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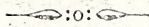
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JOURNAL OF THE HOUSE OF COMMONS.



A GENERAL ASSEMBLY began and held in the city of Raleigh, on Monday, the 18th of November, in the year of our Lord one thousand eight hundred and twenty-two, and forty-seventh of the Independence of the United States: It being the first session of this General Assembly.

The returning officers of the several counties certified that the following persons were duly elected to represent said counties in the House of Commons, to wit: For

Albemarle, Joseph White, John Smith.
 Albemarle, Alexander B. McMillan, Abner Smith.
 Beaufort, Samuel Frink. *Alfred Morgan*
 Bladen, Wm. D. Smith, John Anderson.
 Brunswick, T. W. Blackledge, W. Ormond.
 Burke, Matthew Baird, Merritt Burgen.
 Camden, Robert Melvin. *Geo. S. McPherson*
 Carteret, Thomas Brickell, Simon A. Bryan.
 Caswell, John M. Bryan, James C. Cole.
 Cherokee, Otway Barnes, Isaac Hellen.
 Chowan, Cartwright Bell, Jesse Bernard.
 Craven, Wilson B. Webster, John Jones.
 Currituck, James Yancy. *Bergel Graves*
 Currituck, Henry Elliott, James Skinner.
 Crutchen, W. C. Cotten, W. Underwood.
 Cumberland, Neill McNeill. *Lewis D. Hays*
 Currituck, William McLean, C. Melcher.
 Columbus, Caleb Stephens, Rich. Wooten.
 Duplin, Jas. M. Nixon, Archibald Maxwell.
 Edgecombe, Wm. Wilkins, Moses Baker.
 Franklin, Lark Fox, Guilford Lewis.
 Guilford, Samuel Hunter, David Worth.
 Gates, John Walton, Abraham Harrell.
 Granville, Robert Jeter, Thomas Hunt.
 Greene, Charles Edwards, Jesse Speight.
 Halifax, Robert A. Jones, Isham Matthews.
 Hertford, Isaac Carter, Lewis M. Jiggitts.
 Hyde, Little J. Pugh, William Watson.
 Iredell, James R. Love, Benjamin Clark.
 Johnston, William Harbin, Asa Beall.
 Jones, Risdon M. Daniel, Em'l. Jarman.
 Johnston, Hardy Adams, Samuel Lee.
 Lincoln, Peter Stoke, Daniel Conrad.
 Lenoir, Wm. B. Kilpatrick, James Cox.
 Wayne, Josiah Tyson, Alexander McNeill.

Montgomery, Hardy Morgan, John Dargan.
 Mecklenburg, Matthew Baine, John Rea.
 Martin, Jesse Cooper, Lawrence Cherry.
 New-Hanover, Joseph Lamb, S. Sidbury.
 Nash, Archibald Lamont. *Thomas S. Merritt*
 Northampton, L. P. Williamson, R. B. Gary.
 Onslow, Eli W. Ward, Daniel M. Dulany.
 Orange, James Mebane, John McCauley.
 Person, Thomas Sneed, Thomas Webb.
 Pasquotank, Thomas Bell.
 Pitt, John Cherry, Lanier Daniel.
 Perquimans, Theo. Barrow, H. Skinner.
 Rowan, Charles Fisher, George Smith.
 Randolph, A. Brower, Benjamin Marrou.
 Robeson, John Gilchrist, Jacob Alford.
 Richmond, Duncan McLaurin A. Decker.
 Rockingham, R. Martin, E. T. Breadnax.
 Rutherford, James Graham, John Carson.
 Sampson, Alex'r Fleming, Thos Boykin.
 Surry, F. Thompson, Pleasant B. Roberts.
 Stokes, Augustin H. Shepperd, John Hill.
 Tyrrell, Daniel Bateman, Enoch Hassell.
 Washington, T. H. Walker, S. Davenport.
 Wilkes, Wm. Horton, Nathaniel Gordon.
 Warren, Daniel Turner, F. A. Thornton.
 Wayne, Joshua Hastings, Stephen Smith.
 Wake, D. L. Barringer, Sam Whitaker.
 For the town of Salisbury, Alfred W. Kay.
 Hillsborough, T. Clancy.
 Halifax. *Epishia H. Egge*
 Edenton. *George Blain*
 Newbern, E. E. Gaffan.
 Wilmington, John D. Jones.
 Fayetteville. *Robert Strange*

In pursuance to the foregoing certificates, the following members appeared, were qualified, and took their seats, to wit: John D. Jones, Hardy Adams, John Anderson, Jacob Alford, Simon A. Bryan, Thomas W. Blackledge, Otway Burns, John M. Bryan, Matthew Baird, Merritt Burgen.

Jesse Barnard, Cartwright Bell, Thomas Brickell, Moses Baker, Asa Beal, Matthew Bain, Theophilus Barrow, Thomas Bell, Edward T. Bradnax, Abraham Brower, Thomas Boykin, Daniel L. Barringer, Daniel I. Bateman, James C. Cole, Richard C. Cotten, Jesse Cooper, Benjamin Clark, Lawrence Cherry, Isaac Carter, James Cox, Daniel Conrad, John Cherry, John Carson, Thomas Clancey, John Dargan, Lanier Daniel, Alfred Dockery, Daniel L. Dulany, Samuel Davenport, Henry Elliott, Charles Edwards, Charles Fisher, Samuel Frink, Lark Fox, Alexander Fleming, Roderick B. Gary, John Gilchrist, James Graham, Edward E. Graham, Nathaniel Gordon, Abraham Harrell, Thomas Hunt, Samuel Hunter, William Harbin, Peter Hoke, John Hill, Enoch Hassell, Joshua Hasting, William Hertin, Isaac Hellen, John Jones, Lewis M. Jiggitts, Robert A. Jones, Emanuel Jarman, Robert Jeter, William Kilpatrick, Guilford Lewis, Samuel Lee, James R. Love, Joseph H. Lamb, Archibald Lamon, Robert Melvin, Alexander M'Millan, William M'Lean, Christopher Melcher, Archibald Maxwell, Hardy Morgan, Isham Matthews, Risdon M'Daniel, Alexander M'Neill, Duncan M'Laurin, Robert Martin, Benjamin Marmon, James Mebane, John M'Cauley, Alfred Macay, Neill M'Neill, James M. Nixon, Wyriotte Barnard, Littlejohn Pugh, Pleasant B. Roberts, John Rea, William D. Smith, John Smith, Abner Smith, Jesse Speight, James Skinner, Caleb Stephens, Stokely Sidbury, George Smith, Thomas Sneed, Henry Skinner, Augustin H. Sheppard, Stephen Smith, Elijah Thompson, Francis A. Thornton, Daniel Turner, Josiah Tyson, William Underwood, Joseph White, John Walton, David Worth, Richard Wooten, William Wilkins, William Watson, Eli W. Ward, Thomas Webb, Lewis P. Williamson, Taylor H. Walker, Samuel Whitaker, Wilson B. Webster, James Yancey, Isaac Hellen.

A quorum, consisting of a majority of the whole members, being present: Mr. Pugh moved that John D. Jones, the member representing the town of Wilmington, be appointed Speaker, and Mr. Hill, of Stokes, moved that the name of James Mebane, one of the members from Orange, be added to the nomination. Whereupon the House proceeded to the appointment of Speaker, by ballot; and on counting the ballots, a majority of the whole number was found to be in favor of John D. Jones, who was, on motion, conducted to the chair, from whence he made his acknowledgments to the House.

On motion of Mr. Barringer, Pleasant Henderson was appointed clerk, and William B. Lockhart clerk assistant.

On motion of Mr. Barringer, the House proceeded to ballot for two door-keepers, James Morphis, Allen Griffin, James Daniel, James B. Ruth, Jonathan Stephenson, John Hartsfield, William T. Smith, John G. Briggs, William Edwards, John Cook, Charles Copeland, Greene Bobbitt, James Brown, Edward Brooks, John Lumsden, Josiah Adams, Davis Young, James Barbee, William Lumsden, Willie Dilliard, Harman Batner, Jesse H. Muse, Lerley Gilliam and Richard Roberts, being nominated for the appointment, and appointed a committee consisting of Mr. Barringer and Mr. Bateman, to superintend the balloting.

The House thereupon, on the motion of Mr. Hill, adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 19, 1822.

Mr. Barringer, from the committee appointed to conduct the balloting

for two door-keepers, reported that the committee had performed that duty, and that it appeared, on counting the ballots, John Lumsden only had a majority of the whole, who was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Barringer withdrew from the nomination for door-keeper, the names of William Lumsden, William Smith, John Hartsfield and Jonathan Stephenson.

On motion of Mr. Mebane, the House proceeded to ballot for one door-keeper, and a committee was appointed, consisting of Mr. Graham and Mr. Bryan, to conduct the balloting.

A message from the Senate, by Mr. Clark, their clerk assistant, informing of their readiness to proceed to the despatch of public business; having appointed Bartlett Yancy their speaker, Benjamin H. Covington their clerk, James W. Clark their clerk assistant, and Robert Ray and Thomas B. Wheeler, door-keepers.

On motion of Mr. Fisher, ordered, that a message be sent to the Senate, informing them of the readiness of this House to join in the despatch of business, having appointed John D. Jones speaker, Pleasant Henderson clerk, and William B. Lockhart clerk assistant, and proposing to appoint a joint select committee to wait on his excellency the Governor, to inform him of the readiness of the two Houses to receive such communications as he may think proper to make, and informing that Mr. Blackledge and Mr. Fisher form the committee on the part of this House.

Mr. Graham, from the committee appointed to conduct the balloting for a door-keeper, reported that the committee had performed that duty, and that, on counting the ballots, it appeared no person in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative. The House proceeded to ballot again for door-keeper, and appointed a committee, consisting of Mr. Barringer and Mr. Bateman, to conduct the balloting. Mr. Barringer withdrew the name of James Morphis from the nomination.

A message from the Senate, by Mr. Clark, their clerk assistant, informing that they had appointed a committee to join the committee of this House, to wait on his excellency the Governor, and to inform him of the readiness of the two Houses to receive such communications as he may think proper to make to them.

On motion of Mr. Fisher,

Ordered, That Mr. Mebane, Mr. Strange, Mr. Fisher, Mr. Graham and Mr. Lamb, form a committee to prepare and report rules of order for the government of this House, and that, in the interim, the rules of order at the last session be observed.

Mr. Fisher, from the committee appointed to wait on his excellency the Governor, reported that they had performed that duty, and that the Governor would make a communication, in writing, at 12 o'clock to-morrow.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, proposing to appoint a joint select committee to prepare and report rules of order for the government of the two Houses, and informing that Mr. Hill, Mr. Fisher, Mr. Strange, Mr. Dulany and Mr. Ward form the committee on the part of this House.

Mr. Barringer, from the committee appointed to conduct the balloting for a door-keeper, reported that the committee had performed that duty; and that it appeared, on examining the ballots, no person in nomination had a majority of the whole number, and recommended that the House do im-

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mediately ballot for door-keeper. The question to concur with the report was determined in the affirmative, and a committee appointed, consisting of Mr. Ward and Mr. Barrow, to conduct the balloting.

A message from the Senate, by their clerk assistant, proposing to ballot immediately for three engrossing clerks, and informing that Thomas Armstrong, Samuel F. Patterson, Robert Potter, John Bruce, Lauriston E. Hardin, William Lumsden, James Copeland, Donald R. McLeod, William M. White, Willis Whitaker, Moses Loyd Hill, and Jesse Adams are in nomination for the appointment. The message was concurred in, and a committee appointed, consisting of Mr. Baird and Mr. Beall, to conduct the balloting. The names of Burgess L. Beall, Fanning Jones, and Joshua E. Lumsden were added to the nomination.

Mr. Ward, from the committee appointed to conduct the balloting for door-keeper, reported that the committee had performed that duty, and that on examining the ballots, it appeared that Richard Roberts had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that Mr. Beasley and Mr. Lindsay attend this House, as a committee on their part, to conduct the balloting for engrossing clerks.

The resignations of Willis Lewis and Augustine Harriss, of Granville county, Michael Stough, of Cabarrus county, and Edward Tatum, of Stokes county, Justices of the Peace, were received from the Senate, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 20, 1822.

Mr. Beall, from the committee appointed to conduct the balloting for three engrossing clerks, reported that the committee had performed that duty, and that it appeared, on counting the ballots, Samuel F. Patterson and Thomas Armstrong had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

George Blair, Jr. the member from the town of Edenton, appeared, produced his certificate, was qualified and took his seat.

On motion of Mr. Mebane, *Ordered*, That a message be sent to the Senate, proposing to ballot immediately for one engrossing clerk; and informing that the names of Fanning Jones, Joshua E. Lumsden, John Bruce, Lauriston Hardin, Willis Whitaker, Donald McLeod and Jesse Adams, are withdrawn from the nomination; and informing farther, that Mr. Sneed and Mr. Smith attend the Senate as a committee of superintendance of the balloting, on the part of this House.

A message from the Senate, consenting to ballot for one engrossing clerk; and informing that Mr. Blackwell and Mr. Beasley attend this House as a committee on their part to conduct the balloting; and that the name of Moses Loyd Hill is withdrawn from the nomination.

The resignations of Josiah Lupton, of Beaufort county; William Alred, of Randolph county; John Bowdown, of Warren county; A Ferrell, of Nash county; Benjamin Cagle, of Montgomery county; Leonard Linderman, of Wilkes county; Elijah Whitehurst, of Carteret county; and William

Haynes, of Haywood county, justices of the peace, were presented, read, and accepted.

Mr. Smith, from the committee appointed to conduct the balloting for one engrossing clerk, reported that the committee had performed the duty assigned them; and that, on examining the ballots, it appeared no person in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot immediately for one engrossing clerk; and informing that the name of James Copeland is withdrawn from the nomination. The message was concurred in, and a committee appointed, consisting of Mr. Cotten and Mr. Burgin, to wait on the Senate to conduct the balloting. The name of Burgess L. Beale was withdrawn from the nomination.

A message from the Senate, informing that Mr. Brownrigg and Mr. Vanhook attend this House as a committee on their part to conduct the balloting for one engrossing clerk.

The resignations of John Maxwell and Lewis Herring, of Duplin county, and David Linville, of Stokes county, justices of the peace, received from the Senate, were read and accepted.

A message from the Senate, by their clerk assistant, consenting to appoint a joint select committee to prepare, and to report joint rules for the government of the two Houses, and informing that Messrs. Seawell, Cameron, Branch, Williamson and Spaight form the committee on their part.

Mr. Cotten, from the committee appointed to conduct the balloting for one engrossing clerk, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Robert Potter had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

The resignations of John Corkle and Even Alexander, of Mecklenburg, Neill Sinclair, of Robeson county, James Askew, of Burke county, justices of the peace; and William Dickey, commandant, and Thomas Person, major of the second regiment of the Guilford county militia, received from the Senate, were read and accepted.

Received from his Excellency the Governor, by his private Secretary, Mr. Hardin, the following communication:

RALEIGH, N. C. NOVEMBER, 18, 1822.

To the Honorable the General Assembly of the State of North-Carolina:

GENTLEMEN,—Called together to consult for the general welfare, from among our fellow-citizens in the various counties of the state, and well acquainted with their interests and wishes, you have ever been viewed as a most interesting body. It is with peculiar satisfaction that I once more witness your meeting, confident as I am, that under the guidance of our excellent constitution, you will steadily pursue the common good. Chosen from among the people for your knowledge of their interests and devotion to their welfare, we may with safety rely on your patriotism and firmness never to abandon or neglect them, or suffer yourselves to be warped by sectional prejudices and local views, losing sight of the good of the whole. For let us ever bear in mind that the good of the whole, if not immediately, will always eventually prove the good of every individual.

I beg leave to call your attention, in a few observations, to some of the most prominent objects which claim your deliberation, without pretending

even to name many things which your wisdom will suggest as requiring legislative interference. But it will be found, that, by effectively promoting a few objects of fundamental importance, others which are highly desirable and useful will follow of consequence, or at least with much less immediate aid.

The improvement of the navigation of our rivers, an object which has for some years occupied much of the attention of the Legislature, and excited a great deal of interest throughout the state, will no doubt again come before you. It is a desirable thing to all that every facility within the power of the state should be afforded to our internal trade—it gives excitement to industry, and produces individual and state wealth—it improves the agriculture of the country, by making it the interest of every man to add to the productiveness of his lands—As it enhances the value of the farmer's lands, it makes him content to live and labor on his fields, rather than abandon them for a trifle, and rove in quest of wealth in countries more convenient to markets—It diffuses knowledge among the people, by throwing open the avenues of communication, and affording free scope to the interchange of opinions, and the circulation of useful information; and so intimately are the operations of government connected with the agriculture, the arts, and the commerce of the country, that the farmer, while his interest leads him to avail himself of every source of knowledge within his reach relating to his avocations, will necessarily be led, in proportion to his opportunities, to a knowledge of the nature and administration of his government; taught to estimate his national blessings; to watch with an intelligent eye the conduct of those in office; and to guard against the artifices of designing and intriguing men. In fine, so general and extensive is the influence of convenient channels of intercourse, that there are but few objects of legislation of common interest, with which the subject has not some important relation.

It is therefore unnecessary to say that I feel a deep interest in the internal improvement of the state, or to endeavor to impress more deeply on your minds its very great importance. The laudable zeal which you have so long manifested in this grand project, is an evidence that you are sensible of its importance, and will not neglect it. But as to the particular objects which should be first effected, there has, I know, been a diversity of opinion. We have, I think, all seen, that had our limited funds been originally directed to a few points of primary and more general importance, and not dispersed in small portions throughout the state, the result would have been more beneficial to every section. Had we begun at the mouths of our rivers, and proceeded upwards, every step would have given additional impulse to those immediately interested in the work, and this impulse would have continued to spread until the whole state would have felt it. For example—if the channel of the Cape-Fear, between Wilmington and the Bar, could have been deepened so as to admit vessels that could cross the Bar to come up to the town with their loads, and to go out with the same freight, without the aid of lighters, it is easy to perceive to what great extent the effects would have been experienced, both in stimulating the Navigation Company to vigorous exertions in clearing the river higher up, and in affording better prices to the planter for his produce, and lessening the cost of salt and other articles. But the truth is that by dividing our strength so much in attempting to effect every thing

at once, we have effected, comparatively, nothing; and it is to be feared that few facilities to trade exist now, that did not exist before the commencement of our improvements. And what, but the one before assigned, can have been the cause of the failure of our works? We have for several years had the services of an able engineer, who has explored our rivers, pointed out the various obstructions to their navigation, and given instructions in what manner they were to be removed; a zealous and intelligent board of gentlemen have been watching over every project, and pushing them forward by all the means in their power; and still our progress is so gradual as to be almost imperceptible. The reason is obvious: we have not concentrated our money in sums sufficiently large to effect the objects to which they have been applied. If a remedy is still within our power, it is for your wisdom to devise and apply it. I have already said more than I had intended, designing only to call your attention to the subject. The interest which I feel in improving the condition of the people, the sovereignty and strength of our country, will, I trust, claim your forbearance, and excuse the freedom and candor which I have used. The report of the Board of Internal Improvement will shortly be submitted to your honorable body, which will afford you every information with regard to our public works.

Before we leave the subject of internal improvements, suffer me to call your attention to a subject which has hitherto been too little regarded, and to which some of the foregoing remarks have reference. I mean the opening and improving of our roads. While we are expending the public treasure in improving the navigation of our rivers, we owe it to those who live remote from navigable streams, and who, in many sections, find it necessary to go to market by land, to open roads which may intersect and unite convenient points, and lead to good markets. By this means, too, we could keep in our own state a great deal of produce, which at present enriches other states, and draw capital to our market towns, which our own produce has helped to centre in theirs. Although it is desirable that every man should have a convenient channel to carry his surplus produce to market, even though he should be adding to the wealth of another state, yet it is but justice to ourselves, that while we expend the public wealth, we should, at least, give our own markets a fair competition. While our treasure is employed in public improvements, it is, surely, desirable that those improvements should be so directed as to repay us. It is, therefore, of the highest importance, while we open rivers which lead into other states, and give the farmers inducement to carry their produce away, that we should likewise make roads to our own market towns, give our merchants fair competition, and add to our wealth; and this is still more desirable, when we consider that it would be to the manifest advantage of the planter, giving him a choice of markets. I might point out particular roads which seem to claim your prompt assistance, but the circumstance that some of you come immediately from them, and are, therefore, much better prepared to explain and enforce their importance, renders it useless. Your discernment will follow the subject throughout its extensive bearings, and your wisdom and attachment to the common weal, are a sufficient guarantee that you will give it your mature deliberation, and adopt such measures as are practicable, and conducive to the great ends in view. The improvement of roads and rivers would soon enable our citizens to get out

of debt, and would be the surest means, by affording a strong motive to industry, of keeping them from the ruinous and visionary schemes of speculation. Talk not of banks—of an increase of circulating medium, as a means of extricating them from their embarrassments. It will only “put off the evil day” of payment. Our countrymen, taught in the school of sore experience, begin to see the wisdom of economy, and to feel the necessity of retrenchment. They are in the very situation, then, to return to habits of industry and morality; and they will do it, and will soon rid themselves of debt, if you will offer them every inducement, and every facility in your power. They will presently get into the good old ways of certainty and safety, and will be content with a more moderate increase of wealth.

By a judicious and well conducted plan of internal improvements—by opening, so far as our resources will permit, our roads and rivers, always taking care to begin with such works as are of most general utility, the effects of which would be most extensively experienced, we should go far towards accomplishing another most important object of state policy, viz. the improvement of the agricultural condition of the country. The planting community are the very strength and sinews of the government, and in proportion as they are suffered to languish, must the government become feeble and inoperative, and all other objects of public utility experience a depression. The effect of roads and navigation on agriculture will always be mutually felt, and if the Legislature would give to agriculture even a small share of direct aid and encouragement, there is no doubt the effect would be reciprocated in a much higher ratio. With the increase of agriculture, indeed, every thing else is made to flourish. Wealth, knowledge, and virtue, conspire to make us happy, and perpetuate the inestimable boon of freedom and independence.—Contentment smiles in the cottage, and wealth diffuses its genial influence to all around. There is an inspiring beauty and harmony in the aspect of a well cultivated country, which seem to be reflected from the countenances of the people; and I never presented to my imagination a more delightful image than that of flourishing fields, cultivated by free and happy people. Born in the country and raised a planter, I have always felt a degree of enthusiasm in contemplating this subject, bordering, perhaps, on extravagance. But its importance is by no means diminished by the coolness of deliberation; its consequence, indeed, is the more obvious and home-felt; for its practical and universal necessity goes into every man’s door, and is experienced alike by all classes of society. Why our agriculture has been so long neglected by the Legislature, and is so far behind hand with respect to some of our sister states; and whether it be not high time that you should extend to it your fostering care, appear to me to be enquiries well worthy your attention. Their solution I leave to your own wisdom, and the remedy or remedies your own judgment, far better than mine, will suggest. If the reclaiming of our exhausted lands could be commenced by offering premiums, or by any other better means, the beneficial results, I apprehend, would very soon appear. Could you induce farmers to make experiments on their lands, in new methods of cultivation, and the introduction of articles not of common growth, and which have been found to be profitable, not only as valuable articles of produce, but as enriching the soil, a very great improvement would, without doubt, be thereby effected. But to you, gentlemen, with confidence and with pleasure, I submit the subject, without pretending to dic-

ate to your wisdom, or believing that I can add to your zeal for the common good.

In connection with this and the subject of education, to which I must beg leave to invite your attention at the present session, I would mention one defect, which appears to me to exist generally in the education of our young men of liberal advantages:—they know little or nothing of agriculture, and are not taught to hold it in proper estimation. The consequence is, that they nearly all devote themselves to the learned professions, and leave the calling of husbandry, equally as respectable and more useful, to those whom they consider their inferiors. By this defect, and these consequent mistaken notions, we lose the talents and influence of many a young man, who lags and withers in one of the professions, when he might be an ornament and guide in the quiet walks of agriculture, and constitute one of that most excellent and useful class of society, *good citizens*. It is truly melancholy to witness the crowds of drones that hang upon the rear of the learned professions, burthens to themselves and burthens to society, because they are useless; and many of them—perhaps I might say a large majority—men of talents, but unhappily misapplied. I trust, if they are beyond the saving influence of the Legislature, that you have it still in your power to prevent their accumulation, and to diffuse the talents of our state into more extensive usefulness. Should the Legislature even practically unite in the important truth, that it is of the last moment to the stability and security of our republican institutions, that all kinds of useful knowledge should be extended to our youth, the poorest as well as the richest, it is to be hoped that they will not overlook the article of agriculture; and in the present flourishing state of our University, when its wealth has received such an addition in western lands, its number of students such an increase, its buildings receiving such improvement and extension, and its able faculty and trustees are so zealous and indefatigable in raising its reputation, and extending the sphere of its usefulness, it appears to be an auspicious period to introduce the subject of agriculture within its walls, and lend it your aid. Were you even to devote a considerable sum of money to this purpose, how manifold would be the interest which the people would receive in its advantages? Young men of liberal education would leave our University with proper ideas of the dignity and usefulness of agricultural avocations, and with much useful knowledge relating thereto. They would go into the different parts of the state, and devote themselves to agriculture, and associate in societies with men of more limited opportunities, where their knowledge and their influence would be widely diffused, and give a life and vigor to agriculture, of which we can easily form some conception. But I would not have you suppose that this subject is altogether neglected in our University. We have there a professorship of chemistry and mineralogy, which bear an intimate relation to agriculture, and it gives me much pleasure to state, that I have been informed that the gentleman who has the charge of that department of instruction, takes a lively interest in the improvement of the agriculture of the country, and devotes a part of his course of lectures to that subject alone, and loses no opportunity of imparting to his pupils every article of knowledge which will be of service in the business of life. I am happy that I have it in my power to make known the fact, that our University is not confined to those studies which, though of the highest importance in a liberal education, have

no immediate relation to the concerns of life. I have said the more on this subject, because it derives additional importance from the fact that we are, and from our geographical situation must continue to be, an agricultural rather than a commercial people. I trust that this fact, and the intrinsic importance of the subject, will lead you to a serious investigation of it, and (for it is surely practicable) to give it your aid and protection.

With regard to education, although we have been considering an important part of it, you are by no means to stop here. Our constitution has made it your duty to encourage and promote every kind of useful learning. Its wise and patriotic framers, who were about to burst from the thralldom of oppression, and who were sensible of the enslaving influence of ignorance, ordained it to be their own duty and the duty of their sons, to whom they were soon to bequeath the inestimable legacy of freedom, to diffuse learning among the people—and they no doubt looked forward, in pleasing contemplation, to the period when their posterity should have schools and academies erected among them; when knowledge, at least of the more ordinary and indispensable kind, should be within the reach of the child of the poorest citizen—when “all useful knowledge should be duly encouraged and promoted”—the people acquainted with their rights, sensible of their national blessings, and therefore determined to perpetuate their institutions; and to keep the soil which their fathers had purchased with their blood and treasure, “the land of freedom, and the asylum of the oppressed.” I fear, gentlemen, if those venerable fathers were to rise from their tombs, they would reproach us with supineness and neglect, and would not listen to our plea of want of power. We shall never know what power we have until we exert it; and it holds in political as well as physical strength, that it is increased by exercise. To all these subjects, then, which appear to me, I am sure, in a far more important light than my limits or language will allow me to express, let us give heed, and timely heed. Let us do something, however little—it may prove in time “as a grain of mustard seed.”

But whilst we are sedulous to attain these grand objects, we should not lose sight of the fact that these and all our blessings and privileges are liable to invasion from abroad. We have experienced the injustice of foreign nations before, and we have no reason to conclude that this is never to be the case again. It is therefore important that we should direct our attention to the training of our militia. Our militia system, as you well know, is still very defective. Let us ever recollect the advice of our Political Father, to prepare for war in time of peace. By far the most important part of this preparation consists in training up a body of men that will always be ready in case of war, to send into the field an efficient force. It seems to be the policy of the general government to reduce the standing army of the United States, as being too expensive and dangerous to the Republic. Whether this be sound policy or not, it certainly increases the importance of having a well organized militia. At present it is difficult to discover what advantage is derived from our system and practice, except in a few remarkable instances, where individual exertion and spirit present a cheering prospect amid the surrounding gloom, and show what may be done by proper endeavors. This is a subject of no small moment, and I trust will receive a share of your deliberations. It is to be hoped that we may never become a nation of soldiers by profession; or

neglect the delightful arts of peace, while we pay some regard to those of war. And while we prepare for our enemies, we should cherish towards them generosity and forbearance, adopting the sentiment, "be able for time enemy rather in power than use."

By an act of the General Assembly, passed in the year 1819, it is made the duty of the Governor to procure places of deposit in the towns of Eden-ton, Newbern, and Fayetteville for such arms as belonged to, or might become the property of the state, and to cause such arms to be collected and removed to one of those places. Since the adjournment of your last session, I have received a letter from the War Department of the United States, stating that the small arms, accoutrements and artillery procured during the last six years, agreeably to an act of Congress, passed in the year 1808, for arming and equipping the whole body of the militia of the United States, were ready for delivery, and would be delivered so soon as returns of the militia of all the states should be made; by which they would be enabled to distribute the relative proportions to the respective states and territories, agreeably to the said act. By the law of this state above mentioned, they will be deposited at one of the places designated, unless otherwise directed by the General Assembly.

Agreeably to the act of the last session of the General Assembly, authorising the sale of so much of the Cherokee lands as had been surveyed and remained unsold, I gave notice, according to law, of the time and place of holding said sales, and appointed Col. John Patton, of Buncombe county, commissioner to superintend the same. I expect to have it in my power, in a short time, to lay before you the report of the commissioner, which will, doubtless, give you all the information you may require. It is made the duty of the commissioner, by the act of Assembly, to ascertain and report to the Public Treasurer what lands are in dispute between the Indians claiming under the treaties and persons holding under the state; and the Treasurer is directed not to proceed in the collection of bonds due for such lands until the controversy is properly settled; and, in the event of the claimants under the state being ejected, to refund to them such sums as they have paid to the state, with interest from the time of payment. It is recommended to your consideration whether it would not be to the advantage of the state to adopt some method of extinguishing the Indian claims, and satisfying our purchasers, who, from the uncertainty of their titles, are kept from settling on, and improving, their lands, while the state is lying out of the purchase money. It is thought that a sum of money, far under the value of the lands in dispute, would be sufficient to buy out their claims, and prevent all further litigation; and, if this be the fact, it is surely of the highest importance that it should be effected.

Before I conclude, I cannot deny myself the pleasure of expressing the very high gratification which I have received from the superior taste and judgment which have been displayed in the progress of our State House to its present near state of completion. It is with satisfaction I can testify, so far as my observation has gone, to the diligent endeavors of Mr. Nichols, to have it completed by the present session; but the sickness with which we have been visited, during the summer and fall, and from which but few have escaped, together with other unforeseen events, has prevented. Although neglect ought not, in any shape, to receive your sanction, yet I feel confident you will not withhold your indulgence where it should

be extended. Of the talents of the Architect, I need say nothing, when you have such an elegant specimen before you; but I cannot omit to say, that while we are furnishing the representatives of the people with a commodious and elegant building, suitable to the dignity of their body, it is surely a source of pleasure that we are, at the same time, giving encouragement to genius and attainments in one of the fine arts, which have hitherto been so little known, or properly estimated, among us. Should it be necessary to make an additional appropriation for the finishing of the House, the propriety of making it is submitted to your consideration. It was thought that the sum appropriated at the last session would be sufficient, but in the progress of such a building as the one under view, additions and alterations will occur, so that it is impossible to calculate, exactly, what sum will be required, especially when so much remains to be done as did at the close of the last session.

Accompanying this communication are the resignations of such justices of the peace and field officers of the militia as have been received during the recess, together with my letter book, and such letters and documents as it is proper should be laid before you.

With the highest respect and consideration, I have the honor to be,
Gentlemen, your very obedient servant,

GABRIEL HOLMES.

On motion of Mr. Turner,

Ordered, That the foregoing communication be sent to the Senate, with a message, proposing that it be printed, one copy for each member of the Assembly.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 21, 1822.

Lewis D. Henry, one of the members from Cumberland county, and John Iver McMillan, one of the members of Bladen, appeared, produced their certificates, were qualified, and took their seats.

A message from the Senate, by their clerk assistant, consenting that the message from his excellency the Governor, to the General Assembly, be printed, as proposed by this house.

On motion of Mr. Mebane,

Resolved, That so much of the Governor's message as relates to the sale of Cherokee lands, be referred to a select committee; and that Messrs. Mebane, Carson, Col. Brickell, and Baird, do form this committee.

On motion of Mr. Fisher,

Resolved, That so much of the said message as relates to expenditure on public buildings, be referred to a select committee; and that Messrs. Fisher, Graham, Lov. Sidbury, and Williamson, be this committee.

On motion of Mr. Barringer,

Resolved, That so much of the Governor's message as relates to the militia and the public arms, be referred to a select committee; and that Messrs. Barringer, Graves, Boykin, Henry, and Shepherd, do form this committee.

On motion of Mr. Mebane,

Resolved, That a select committee be appointed on the Judiciary; and that Messrs. Mebane, Henry, Brickell, Thornton, and Gilchrist, do form this committee.

On motion of Mr. Mebane,

Resolved, That standing committees of Finance, Propositions and Grievances, Claims, Education, Internal Improvement, and Agriculture, be appointed; and that Messrs. Hill, Carson, Barringer, Jones, Jiggitts, Blackledge, Ward, and Henry, form the committee of Finance.

That Messrs. Worth, McKay, Burgen, Clark, Whitaker, Brower, Garey, Baker,

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S. A. Bryan, Barnard, Cole, Pugh, Nixon, Lamb, Alford, and White, form the committee of Propositions and Grievances.

That Messrs. Martin, Bain, M'Millan, Anderson, Yancey, Webb, Wilkins, Turner, S. Skinner, Harrell, Hellen, Speight, Frink, Dulany, A. McNeill, and Tyson, do form the committee of Claims.

That Messrs. Shepherd, Fisher, J. Graham, Gordon, Jeter, Clancy, Man, Cherry, Blair, Elliott, E. E. Graham, S. Smith, Wooten, Sidbury, M'Laurin, and Gilchrist, form the committee on Education.

That Messrs. Broadnax, Dargan, Baird, Horton, Mebane, Hunt, Matthews, Williamson, H. Skinner, C. Bell, Burns, Cox, M'Millan, Melvin, Strange, and Fleming, form the committee on Internal Improvement.

That Messrs. Hunter, Beall, Conrad, A. Smith, Sneed, M'Cauley, Fox, Thornton, Harrow Bateman, Watson, Daniel, Maxwell, Stephens, N. McNeill, and John Smith, form the committee on Agriculture.

The resignations of Benjamin Clark, of Haywood county; David Ward, of Onslow county; Philip Faulk, of Columbus county; and Thomas Lindley, of Chatham county, justices of the peace, were read and accepted.

Mr. Shepherd presented a bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court. The said bill was read the first time, passed, and, on motion of Mr. Shepherd, referred to the committee on the Judiciary.

Mr. Strange, from the committee appointed to prepare and report rules of order, for the government of this House, made the following report, to wit:

1. The Speaker shall take the Chair at the hour to which the House shall have adjourned, and shall immediately call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, except on an appeal from his decision, in which case the Speaker may deliver his opinion in preference to any other Member, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. He shall rise to put a question, but shall state it sitting. Questions shall be distinctly put in this form, to wit: As many as are of opinion that (as the question may be) say Aye: and, after the affirmative voice is expressed, as many as are of the contrary opinion say No.—If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt or a count be required, he shall name two Members, one from each side, who shall tell the Members in the affirmative and report their number, after which they shall tell the Members in the negative and report their number; upon which the Speaker shall rise and state the decision to the House.

2. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the Committee of the whole, shall have power to order the same to be cleared.

3. In all cases of ballot by the House, the Speaker shall vote: in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

4. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

5. If any Member, in speaking, or otherwise, shall transgress the rules of the House, the Speaker shall, or any two members may, call him to order; in which case the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the Member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When two or more Members rise at the same time, the Speaker shall name the Member to speak.

7. No Member shall speak more than twice on the same question without leave of the House.

8. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the chair.

9. No member shall vote on any question, unless within the bar of the House when the same was put.

10. Every Member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

11. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and no member shall be admitted to enter his yea or nay unless he be within the bar of the House when called; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

12. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

13. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

14. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

15. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order they stand arranged.

16. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

17. Any Member may call for a division of the question when the same will admit of it, which shall be determined by the Speaker.

18. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.

19. Every bill shall be introduced by a motion for leave or by an order of the House.

20. Every bill shall receive three several readings in the House previous to its passage; but no public bill shall be twice read on the same day, without special order of the House.

21. No Member shall, on motion, be at liberty to withdraw a public bill

for amendment; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

22. A bill once rejected, another on the same subject shall not be brought in again this session; but when a question has been determined, either in the affirmative or negative, it shall be in order once only for any Member in the majority to move the reconsideration thereof.

23. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any Member, it shall be determined by a vote of the House.

24. The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day; and no motion or other business shall be received without leave of the House.

25. The order of the day shall not be postponed to take up any other business, without leave of the House.

26. No Member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken; and decency of speech shall be observed, and personal reflections carefully avoided.

27. Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent Members.

28. No Member or Officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

29. Any Member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

30. In the nomination of committees, no Member shall nominate more than one person to be of a committee.

31. Select Committees shall consist of five members, and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

32. In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

33. The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

34. Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

35. The Clerk of the House shall be deemed to continue in office until another is appointed.

36. No standing order shall be rescinded without one day's notice given of the motion thereof.

37. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

38. Six standing committees shall be appointed at the commencement of the session, to wit: a committee of Finance, a committee of Claims, a

committee of Propositions and Grievances, a committee of Education, a committee of Agriculture, and a committee of Internal Improvement.

The foregoing report was read and concurred with, and, on motion, ordered to be printed, one copy for each member of the House.

Mr. Strange presented the following resolution:

Whereas, from the present arrangement of the seats in this House, there is often great difficulty in members accommodating themselves without much bustle and confusion.

Resolved, therefore, For the purpose of preventing the same, that each member of this House, shall hereafter have a seat appropriated for his own particular and exclusive use, to be selected as may be hereafter agreed upon.

Ordered that the said resolution lie on the table.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 22, 1822.

On motion of Mr. Nixon,

Resolved, That Messrs. Nixon, Pugh, Bateman, Lamb and Moore, form a committee to revise the inspection laws, and that they be authorised to report by bill or otherwise.

Mr. Mebane, from the Judiciary committee, to whom was referred the bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court, made a report recommending that the said bill be passed into a Law.

On motion of Mr. Blackledge, ordered that the said report lie on the table.

A message from the Senate, by their clerk assistant, informing that they had passed a bill concerning the town of Lumberton, and asking the concurrence of this House. The said bill was read for its first reading in this House, and the question "shall the bill pass?" was determined in the affirmative.

On motion of Mr. Henry,

Resolved, That the committee on the Judiciary be instructed to inquire whether the act of 1821, requiring the Reporter of the Decisions of the Supreme Court, to publish the same within three months after they have been made, has been complied with; and if it has not, to inquire what other and more effectual provision ought to be made by law, to secure to the people the accurate and punctual publication of the Decisions of the Supreme Court.

Mr. Cotten presented the petition of James Burns and others, of the county of Chatham, praying to be authorised to erect two gates on a public road; and Mr. Pugh presented the petition of Daniel Wilson, of the county of Pitt, praying for the remission of part of the prison charges incurred in consequence of a slave of his being charged and convicted of burglary. Ordered that these petitions be referred to the committee of Propositions and Grievances.

Mr. George Smith presented the petition of John Jarratt, colonel of the 2d regiment of the Rowan county militia, praying to have refunded to him the amount of a fine imposed on him for failing to make a return agreeably to law. Ordered that the petition be referred to the committee of Claims.

On motion of Mr. Strange,

Ordered, That a message be sent to the Senate, proposing to raise a joint committee for the purpose of dividing the state into congressional districts, and informing that Messrs. Henry, Skinner, Jones, Blackledge, Cole, Dulany, Hunt, Strange, Mr-

Bane, Hill, Fisher, Rea, James Graham, and Gordon form the committee on the part of this House.

The resignation of John Hogg, Justice of the Peace for the county of New-Hanover, and Notary Public, was read and accepted.

The resignations of William B. Porter, colonel, and Thomas Baird, lieutenant-colonel of the first regiment of the Mecklenburg county militia, received from the Senate, were read and accepted.

Mr. McCauley presented a bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county. The bill was read for its first reading, and the question "shall the said bill pass?" was determined in the affirmative.

The bill concerning the town of Lumberton was read the second time, and the question "shall the bill pass?" was determined in the affirmative.

On motion of Mr. Henry,

Ordered, That a message be sent to the Senate, proposing to raise a joint committee to be styled the Library Committee, and informing that Mr. Henry, Mr. E. E. Graham and Mr. Brodnax, form the committee on the part of this House.

On motion of Mr. Boykin,

Resolved, That Messrs. Boykin, James Skinner, McLean, Carson and Frink form a committee to take under consideration the laws respecting weights and measures, and that they report by bill or otherwise.

On motion of Mr. Graham,

Resolved, That a select committee be appointed, to whom shall stand referred all bills after their second reading, for correction, and that Mr. E. E. Graham, Mr. Strange, Mr. Henry, Mr. Turner, and Mr. Blair do form this committee.

On motion of Mr. Barringer,

Resolved, That no bill of a private nature shall be introduced into the House of Commons after the 9th of December next.

Ordered that the resolution lie on the table.

On motion of Mr. Fisher,

Resolved, That the committee on that part of the Governor's message as relates to the militia and to the public arms, be instructed to inquire into the causes of the falling off in the returns of the effective militia of the state, and to report a bill amendatory of the existing laws, so as to insure, in future, correct and full returns of the militia, through the various grades of officers, from captains up to major-generals.

That the said committee also inquire into the propriety of repealing so much of the several acts now in force, as exempts from mustering at General Reviews, the members of the fire companies, incorporated by said acts; also to inquire whether any alterations are necessary in the existing laws, providing for the safe keeping and preservation of the public arms of the state, and to report by bill or otherwise.

The resignations of Jesse Vannoy and George Wheatley, Justices of the Peace for the county of Wilkes, were presented, read and accepted.

Received from the Senate the report of the joint committee, appointed to prepare and report joint rules for the Government of the two Houses, concurred with in that House, which being read, was concurred in, and returned.

A message from the Senate, by their clerk assistant, informing that in conformity with the joint rules of the two Houses, they had appointed a committee of Finance, consisting of Messrs. McKay, Branch, Williamson, Seawell, Baker of Gates, Spaight, Bethune and Graves. On motion, ordered that a message be sent to the Senate, in answer to the foregoing, informing that Messrs. Hill, Carson, Barringer, Jones, Jiggitts, Blackledge, Ward, and Henry form the committee of Finance on the part of this House.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 23, 1822.

Mr. Mebane presented the petition of John Minis, of the county of Orange, praying to be placed on the pension list.

Mr. Harbin presented the petition of John Rector, of Iredell county, praying to have his name changed. *Ordered*, that the former of these petitions be referred to the committee of Propositions and Grievances, and the latter postponed indefinitely.

A message from the Senate, by their clerk assistant, informing that Messrs. Cameron, M'Kay, and Brownrigg, form the Library committee on their part.

On motion of Mr. Hellen,

Resolved, That Messrs. Hellen, Blackledge, R. A. Jones, J. M. Bryan, and Sneed, form a committee on Military Land Warrants.

Mr. E. E. Graham presented the following resolution:

Resolved, That dollars be paid to the honorable Judge Nash for holding the special Court of Oyer and Terminer for the county of Craven, in January last, in obedience to an act, passed in the year 1821; and that the Treasurer be directed to pay the same out of the moneys not otherwise appropriated.

Ordered, That the resolution be referred to the committee of Claims.

Mr. E. E. Graham presented a bill to amend an act, passed in 1798, entitled an act for the further regulation of the town of Newbern; and Mr. Blackledge presented a bill to amend the act, passed in the year 1818, entitled an act to amend an act, passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county. These bills were read each the first time, and the question "shall they pass?" was determined in the affirmative.

On motion of Mr. Hill,

Resolved, That so much of the Governor's message as relates to the subject of Internal Improvement, be referred to the standing committee on Internal Improvement.

Resolved, That so much of the said message as relates to education, be referred to the standing committee on Education. And

Resolved, That so much of said message as relates to agriculture, be referred to the committee on Agriculture.

Mr. E. E. Graham presented a bill to incorporate a Light Infantry Company in the town of Newbern. The bill was read the first time and passed; and, on motion of Mr. Graham, referred to the Military committee.

On motion of Mr. Blackledge,

Ordered, That the bill to amend the act, passed in the year 1818, entitled an act to amend an act, passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county, be referred to Messrs. Blair, Blackledge, Pugh, Hastings and Barrow.

On motion of Mr. Mebane,

Ordered, That the bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county, be referred to Mr. Mebane, Mr. M'Cauley, Mr. Henry, Mr. Jiggitts, and Mr. Wilkins.

The bill to repeal the 5th section of an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves under execution; also, the bill to amend an act, passed in 1793, entitled an act for the further regulation of the town of Newbern, were severally read the second time, and the latter amended; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Hunter presented a bill to repeal the 4th section of an act, passed in the year 1806, relative to the artillery companies of light infantry, gre-

radiers, and riflemen, which was read and referred to the Military committee.

On motion, ordered, that Mr. Barringer have leave of absence from the service of this house, after this day, until Wednesday next.

Mr. Blair presented a bill to amend an act, passed in the year 1821, entitled an act to regulate the fees of notaries; and Mr. Blackledge a bill to alter the mode of electing sheriffs, and to vest the right thereof in the free people of this state. These bills were each read the first time, and passed, and the latter was ordered to be printed.

The resignations of William N. White, colonel, and Benjamin Mullen, major, of the Perquimons regiment of militia; Duncan McCall and Thomas Crawford, of Richmond county; George Caboness, of Rutherford county; and W. V. Speight, of Greene county; justices of the peace, were read and accepted.

A message from the Senate, informing of their disagreement with the proposition of this house, to appoint a joint committee of one member from the Congressional Districts, for the purpose of dividing the State into Congressional Districts agreeably to the last apportionment of representatives.

Received from the Senate the following resolution:

Resolved, That a joint select committee be appointed to inquire whether it be expedient or not, to make a new arrangement of the Congressional Districts of the state, taking into view the late census and apportionment by Congress; and that said committee consist of two members from each of the present Congressional Districts, one from each house; and that said committee report by bill, or otherwise; and Messrs. Shober, Carson, McLeary, Graves, Wade, Wall, Cameron, Sneed, Lindsay, Outlaw, Flowers, Baker, of Brunswick, and Hatch, form the committee on the part of this house.

The question to concur with the resolution was determined in the affirmative; and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Henry, Skinner, Jones, Blackledge, Cole, Dulany, Hunt, Strange, Mebane, Hill, Fisher, Rea, James Graham, and Gordon.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 25, 1822.

Leonard Martin, one of the members of Pasquotank county, and Thomas N. Mann, one of the members of Nash county, appeared, produced their certificates, were qualified, and took their seats.

Mr. Strange presented a certificate of allowance by the County Court of Cumberland, in favor of Isabella Campbell, widow of the late Captain James Campbell, allowing her twenty pounds for the present year. The certificate was read, concurred in, countersigned by the Speaker, and sent to the Senate.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to amend an act, passed in the year 1806, entitled an act directing the sale of public lands near the town of Smithville; in which they ask the concurrence of this house. The bill was read the first time, and the question "shall the bill pass?" was determined in the affirmative.

Mr. Beall presented a bill to repeal an act, passed in 1821, chapter 19, entitled an act directing the time and place of sale of lands and slaves under execution. The bill was read, and ordered to lie on the table.

Mr. Baine presented the petition of a number of citizens belonging to se-

veral religious societies, praying to be authorised by law to adopt rules and regulations for their own private government and direction during the time appointed for assembling together.

Mr. Fisher presented the petition of Michael Rymer, of Rowan county, praying to be restored, by an act, to the rights and privileges of a citizen.

Mr. Nixon presented the petition of Jonathan Thomas, heir at law to his brother Philip Thomas, a soldier of the war of the revolution, praying for a military land warrant. Ordered, that these petitions be referred; the two former to the committee of Propositions and Grievances, the latter to the committee on Military Land Warrants.

Elisha H. Eure, the member of the town of Halifax, appeared, produced his certificate, was qualified, and took his seat.

On motion of Mr. Cooper,

Resolved, That the Judiciary committee be directed to inquire whether any, and if any, what alteration is necessary in the laws relative to the payment of witnesses attending, or who are summoned at trials before justices of the peace; and that they have leave to report by bill, or otherwise.

Mr. Hill presented the petition of Sally Hampton, of the county of Stokes, praying to be secured in certain property, from the claim or disposition of her husband, James Hampton, and his creditors. Ordered, that the petition be referred to Mr. Hill, Mr. Alford, Mr. Bateman, Mr. M'Lean, and Mr. Mann.

Received from the Senate, the certificate of allowance of the County Court of Mecklenburg county, countersigned by the Speaker, in favor of Leah Beaty, allowing her forty dollars for the present year. The certificate was read, countersigned by the Speaker of this house, and returned to the Senate.

Mr. Mebane, from the special committee, to whom was referred the bill to amend an act, passed in the year 1819, entitled an act to appoint commissioners for the town of Chapel Hill, in Orange county, made a report, recommending that the whole after the enacting clause, be stricken out, and the amendment which he read in its place, be substituted in lieu thereof. The question to concur with the report was determined in the affirmative. Whereupon, the bill, as amended, was read the second time, and put on its passage; and the question "shall the bill pass?" was determined in the affirmative.

Mr. Clancy presented a bill to incorporate Eagle Lodge, No. 71, Hillsborough; Mr. Baine, a bill to amend the first section of an act, passed in the year 1821, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Mecklenburg; Mr. Sidbury, a bill to repeal an act, passed in the year 1821, entitled an act to increase the rates of toll at the Big Bridge, in the county of New-Hanover; Mr. Harbin, a bill to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof. These bills were severally read the first time, and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Ward presented a bill to legitimate Harriet and Hester Mills and Charlotte Morton, of Onslow county; Mr. Robert A. Jones presented the petition of Henry Smith, of Halifax county, praying to be authorised to erect a gate on a public road, passing through his plantation; Mr. Fisher presented the petition of John Morrison, of Richmond county, praying for the passage of a law to enable Catherine Morrison, his illegitimate daughter,

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On motion of Mr. Mebane,

Resolved, That the committee on that part of the Governor's message as relates to the public buildings, be instructed to inquire into the cause of the large sums of money that have been expended in transporting the Statue of Washington from Wilmington to Raleigh.

Mr. Strange moved that the rules for the government of the House be amended by adding the following, viz: "Every member introducing a private petition shall, at the same time, state its objects; and no petition shall be read at length in the House of Commons, except upon motion." The question to concur therewith was determined in the affirmative.

A message from the Senate, by their clerk assistant, proposing that the two Houses, at their meeting to-morrow morning, ballot for a governor of the state for the ensuing year; and informing that Gabriel Holmes is in nomination for the appointment. The message was concurred in.

The House proceeded to consider the report of the Judiciary committee, to whom was referred the bill to repeal the second section of an act, passed in 1821, respecting the Supreme Court. Mr. Blackledge moved that the report and bill be postponed indefinitely. The question thereon was determined in the negative. Yeas 50—nays 96. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Blackledge, Burns, J. M. Bryan, J. Barnard, T. Bell, Blair, Cole, Cotten, Cooper, Cox, J. Cherry, Elliott, Edwards, Gary, E. E. Graham, J. Jones, Jeters, Kilpatrick, Maxwell, Mann, L. Martin, Ormond, Spaight, J. Skinner, Stephens, S. Smith, Tyson, Underwood, Watson, Webster—yeas 30.

Those who voted in the negative, are Messrs. H. Adams, J. Anderson, J. Alford, J. A. Bryan, Baird, Burgen, C. Bell, Brickell, Baker, Beall, Bain, T. Barrow, Brodax, Brower, Boykin, D. Bateman, Clark, L. Cherry, Carter, Conrad, Carson, Clancy, Bargan, L. Daniel, Dockery, Dulany, Davenport, Eure, Fisher, Frink, Fox, Fleming, Gilchrist, J. Graham, Gordon, Harrell, Hunt, Hunter, Harbin, Hoke, Hill, Hassell, Hastings, Horton, Hellen, L. D. Henry, Jiggitts, R. A. Jones, Jarman, Lee, Love, Lamb, Laman, Melvin, A. B. McMillan, McLean, Melchor, Morgan, Matthews, McDaniel, A. McNeill, McLaurin, R. Martin, Marmon, Mebane, McCauley, Macay, N. McNeill, J. J. McMillan, Nixon, Pugh, Roberts, Rea, W. D. Smith, J. Smith, A. Smith, Silbury, G. Smith, Sneed, H. Skinner, Sheppard, Strange, Thompson, Thornton, Turner, J. White, Walton, Worth, Wooten, Wilkins, E. W. Ward, Webb, Williamson, Walker, Whitaker, Yancey—nays 96.

The bill thereupon was read the second time, and the question "shall the said bill pass?" was determined in the affirmative..

On motion of Mr. Lamb,

Resolved, That Mr. Leonard Martin be added to the committee on the Inspection Laws.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 26, 1822.

Mr. Alfred Moore, one of the members of Brunswick county, and Barillai Graves, one of the members of Caswell county, appeared, produced their certificates, were qualified, and took their seats.

On motion of Martin, of Rockingham,

Resolved, That the committee on Finance be instructed to inquire into the expediency of authorising by law the issuing of a further sum in treasury notes, and they have leave to report by bill or otherwise.

Ordered that the resolution lie on the table.

Mr. Cox presented a bill to increase the pay of witnesses, when the court they attend is held at the distance of twenty miles, or more, from the place of their residence; and Mr. Friuk a bill to amend an act, passed in the year 1817, entitled an act to authorise the County courts of Wilkes and Brunswick to appoint a committee of Finance; and Mr. Mebane a bill to amend an act, passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity, have, or may, so accumulate that they cannot be tried at the regular terms of those courts. These bills were severally read the first time, and the question "shall they pass?" was determined in the affirmative, and the latter ordered to be printed.

A message from the Senate, informing that Mr. Glisson and Mr. Shober attend this House as a committee on their part to conduct the balloting for Governor for the ensuing year. On motion, ordered that a message be sent to the Senate, informing that Mr. Williamson and Mr. Ward form a committee on the part of this House to conduct the balloting for Governor of the state for the ensuing year.

Mr. Sidbury presented a bill to repeal an act, passed in the year 1821, entitled an act to prevent the hauling of seines between the New Inlet, near the mouth of Cape-Fear river and bar and Inlet, commonly called Howe's Inlet; Mr. Boykin a bill to incorporate the town of Clinton, in Sampson county. These bills were read the first time, and the question "shall they pass?" was determined in the affirmative.

Mr. Lamon presented the following resolution:

Resolved, That the public Treasurer be authorized to pay to Samuel W. W. Vick, sheriff of Nash county, twelve dollars and eighty cents, for sixty-four insolvent polls, for the year 1821, and that he be allowed the same in the settlement of his accounts.

Ordered that the resolution be referred to the committee of Claims.

Mr. Ward, from the committee appointed to conduct the balloting for Governor of the state for the ensuing year, reported that the committee had performed that duty, and that on examining the ballots, it appeared Gabriel Holmes had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

The bill to amend an act, passed in 1798, entitled an act for the further regulation of the town of Newbern was read the third time, and the question "shall the said bill pass?" was determined in the affirmative. Ordered that the said bill be engrossed and sent to the Senate for concurrence.

The bill to amend an act passed in the year 1806, entitled an act directing the sale of public lands adjoining the town of Smithville; also the bill to amend the first section of an act, passed in the year 1821, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Mecklenburg; also the bill to incorporate Eagle Lodge No. 71, Hillsborough; also the bill to repeal an act, passed in the year 1821, entitled an act to increase the rates of toll at the big bridge, in the county of New-Hanover; also the bill to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof. These bills were respectively read the second time, and put on their passage, and the question "shall the said bills pass?" was determined in the affirmative.

The bill to repeal the 5th section of an act, passed in the year 1821, entitled an act directing the time and place of sale of lands and slaves

under execution, was read the third time, and put on its passage, and the question "shall the bill pass and be engrossed?" was determined in the affirmative.

On motion of Mr. Mebane,

Resolved, That the committee on public buildings inquire into the expediency of substituting circular benches in the House of Commons, for seats, in place of separate chairs, and they confer with the state architect on the propriety of the same.

The resignation of William Lightfoot, Justice of the Peace for the county of Chatham, was read and accepted.

Received from the Senate the certificate of the County Court of Warren county, allowing Elizabeth Harris, widow of Burwell Harris, a soldier in the war of the revolution, the sum of sixty dollars as a pension, countersigned by the speaker. The certificate was countersigned by the speaker of this House, and returned to the Senate. Mr. Worth presented the petition of sundry inhabitants of Guilford county, praying for the passage of a law directing the clerk of the court of said county, to keep his office in the town of Greensboro', and a bill to carry into effect the prayer of the petition. Ordered that the petition and bill be referred to the committee of Propositions and Grievances.

Mr. Skinner, from the committee of Claims, to whom was referred the resolution directing the committee to inquire into the propriety of making a suitable allowance to the honorable judge Nash, for holding the special court of Oyer and Terminer, for the county of Craven, in January last, in obedience to an act of Assembly, passed in the year 1821, reported that the committee, agreeably to order, had the subject under consideration, and recommended that the sum of one hundred and twenty-two dollars be paid to the judge, by the public Treasurer, in full compensation for the services aforesaid, and that the Treasurer be allowed the same in the settlement of his public accounts. The question to concur with the report was determined in the affirmative.

Mr. Graham presented the petition of James Gray and Terrell Wilkins, inhabitants of Rutherford county, praying to be authorised by law to erect gates on a public road leading through their plantations. Ordered that the said petition be referred to the committee of Propositions and Grievances.

The bill to incorporate the town of Clinton, in Sampson county; also the bill to amend an act, passed in the year 1817, entitled an act to authorise the County courts of Wilkes and Brunswick to appoint a committee of Finance, were read each the second time, and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Mebane, from the Judiciary committee, to whom was referred a resolution relative to the reports of the Supreme Court, reported that the committee had had the subject under consideration, and as the best remedy in their opinion to secure a speedy and punctual publication of the said reports, they recommend the passage of a bill accompanying the report, entitled a bill to repeal the 13th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court, and also an act passed in the year 1821, entitled an act to amend an act concerning the Supreme Court. The question to concur with the report was determined in the affirmative, and the bill recommended was read the first time, and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Mebane, from the same committee, to whom was referred a resolution directing them to inquire whether any, and if any, what alterations are necessary in the laws relative to the payment of witnesses attending or who are summoned to attend at trials before Justices of the Peace, reported that the committee had the subject under consideration, and are of opinion that it is unnecessary to make any alteration in the said laws, and request to be discharged from the further consideration of the subject. The question to concur with the report was determined in the affirmative.

Mr. Worth, from the committee of Propositions and Grievances, to whom were referred the petitions of John Morrison, M. Rymer, Daniel Wilson, James Burns, Francis Owen and others, reported that the committee had had the said petitions under consideration, and recommended that they be severally rejected. The question to concur with the report was determined in the affirmative.

Mr. Worth, from the same committee, to whom was referred the bill in legitimate Harriet and Hester Mills and Charlotte Morton, of the county of Caslow, reported that the committee had considered the bill, and recommend that it be indefinitely postponed. The question to concur with the report was determined in the affirmative.

Mr. Worth, from the same committee, to whom was referred the petition of Henry Smith, of the county of Halifax, made a report favorable to the prayer of the petition. The question to concur with the report was determined in the affirmative. Whereupon Mr. R. A. Jones, in conformity with the report, presented a bill to authorize Henry Smith to erect a gate on his lands, across a public road, in the county of Halifax. The bill was read the first time and passed.

The Speaker laid before the House the Report of the Public Treasurer on the state of the Treasury:

To the honorable the General Assembly of the state of North-Carolina:

GENTLEMEN,

The laws of the state make it my duty to inform you that the receipts at the treasury of North-Carolina, for the year commencing with the first day of November, 1821, and ending with the last day of October, 1822 including sundry payments of arrearages and the public taxes of every other description, which became due and were paid at the Treasury of the State, within that period—together with the dividends declared by the three several Banks on the stock or shares held in them respectively by North-Carolina, and which were payable into the common treasury—the purchase money or proceeds of the vacant and unappropriated lands lately entered, and paid for in course of the time above mentioned—and the collection made from the bonds given by the purchasers of the public land near Raleigh, amount to one hundred and twenty-seven thousand, six hundred and sixty-four dollars, twenty-four cents and an half; including a dividend of twelve hundred dollars, declared by the Directors of the Cape-Fear Navigation Company in the year 1821, on the shares held in it by North-Carolina—(127,064 2/4.)

To this sum, the balance remaining in the Treasury on the first day of November, 1821, and thereafter to be accounted for, as reported to the last General Assembly, being added, to wit: one hundred and fourteen thousand and ninety-nine dollars, forty-four and one fourth cents, an aggregate amount of two hundred and forty-one thousand, one hundred and

sixty-three dollars, sixty-eight cents and three fourths of a cent is formed—(241,163 68 $\frac{3}{4}$.)

From this aggregate sum, disbursements have been made within the time first above mentioned, including Treasury Notes and other monies burnt, to amount of one hundred and twenty-six thousand, seven hundred and one dollars, sixty-nine and three quarters cents—(126,701, 69 $\frac{3}{4}$.) The vouchers for which are in the possession of the Comptroller: and are, of course, in readiness for the examination of the committee of Finance.

This expenditure, being deducted from the sum total above mentioned, will be found to leave a balance of one hundred and fourteen thousand four hundred and sixty-one dollars and ninety-nine cents remaining in the Treasury of this state on the first day of November, instant—say on the first day of Nov. 1822—yet to be accounted for—(114,461 99.)

For a specification of the several items forming or composing the reception and expenditure above mentioned, the Treasurer would ask leave respectfully to refer to the printed statement furnished by the Comptroller, for the use of the Members of the present General Assembly.

The nett amount of the dividends declared by the Directors of the State Bank on the shares held in it by North-Carolina (after deducting the interest retained by that corporation, as due and payable to it under the provisions of the act of 1811, on account of the unpaid for shares of the state, up to December last) was eighteen thousand and nineteen dollars and seventy-six cents: which sum was paid over to the Public Treasurer, by the officers of the Bank, in money of the emissions of 1783 and 1785, and was therefore burnt and destroyed, as the law directs.

Of the sum of one hundred and fourteen thousand four hundred and sixty-one dollars and ninety-nine cents, above mentioned, as being the balance due and payable from the public Treasurer to the state of North-Carolina, on the first day of the present month, viz.—On the first day of November, 1822, forty-three thousand, three hundred and three dollars and nine cents, are deposited at my credit as public Treasurer, in the State Bank at Raleigh.—Forty thousand and forty-eight dollars, and ninety-nine and three quarters cents, are deposited and stand at my credit, in like manner, in the Bank of Newbern, in Raleigh—and fifteen thousand, nine hundred and seventy-two dollars, and fifty cents, are deposited in like manner, and stand at my credit, as public Treasurer in the Bank of Cape-Fear, at Fayetteville: The remainder is in the public chest, and is formed of cash or bank notes, kept there to be at hand and in readiness to meet the ordinary expenditures of the day—of vouchers or claims which have been paid off and taken up *since* the first day of November instant, and which are therefore not brought into account—and of worn and redeemed Treasury Notes prepared and preparing to be burnt, when the Legislature may be pleased so to direct.

In the month of November last, Messrs. Wellborne and Taliaferro, commissioners appointed by governor Franklin to superintend the selling, &c. of the lands belonging to this state, commonly called the Cherokee Lands, paid into the public Treasury the sum of fifteen hundred and nineteen dollars, and forty-one and one fourth cents, (\$1,519 41 $\frac{1}{4}$.) being the nett proceeds of the sales made by them, and which had come into their hands as commissioners aforesaid: which sum was forthwith, and agreeably to law, placed at the credit of the Board of Internal Improve-

ments: as has been likewise and since the further sum of six thousand six hundred and fifty-eight dollars, and eighty-six cents, collected (from the bonds taken at the sales made by Messrs. Franklin and Mebane in 1820) up to the first day of the present month.

Messrs. Weilborne and Talhaferro, likewise, handed over and delivered at the Treasury the bonds taken to secure the purchase money of the lands sold by them, as commissioners aforesaid, amounting to thirteen thousand six hundred and eighty-nine dollars and twenty-seven and an half cents; the whole of which remain on file, and are yet to be paid.

From the statement which commences this report, it will be perceived, that the expenditures of the last year, including the money burnt, *more than covered* the balance which remained in the Treasury on the first of November, 1821, and, indeed, exceeded it by several thousand dollars; and it will likewise be borne in mind, that the sources from whence *three* of the items contained in the Comptroller's statement, laid before the Assembly early in the present session, and which very materially contributed to the creation of the balance remaining in the Treasury on the first day of November, 1822—namely: The Dividends of the Banks of Cape-Fear and Newbern, and the dividend of the Cape-Fear Navigation Company, have ceased to operate in favor or aid of the ordinary revenue of the state; and can, therefore, no longer be counted on in forming an estimate of the amount of the future receipts at the Treasury. It is hoped and believed, however, that in course of the present fiscal year, the redemption of the money of the emissions of 1785 and 1785 will be accomplished; and should such prove to be the case, the dividends thereafter declared by the State Bank may be made to come in aid of the revenue of the state, and will, probably, form considerable items, and prove valuable and efficient substitutes for the sources of revenue above mentioned as being now to mere.

The Public Treasurer considers it his duty to present to the Legislature the foregoing statement and view of the present situation and future prospects of the Treasury of the state; not, indeed, with the intention of suggesting the advisability of any increase whatever of the public taxes at present laid, and in operation, and which, he is persuaded, will continue to prove commensurate to the support of government, and to the defraying all such other items of expenditure as will probably be authorised; his motive being merely to shew the probable continued solvency of the Treasury.

There are, at present, and for some time past have been, very considerable sums of money due to North-Carolina by bonds originally given for sums less than one hundred dollars; the makers of which are widely dispersed, and dwell in distant and different sections of the country; and it being evident that much difficulty and delay, not to mention probable loss, will necessarily attend the collection of those monies, unless some special provision be made to ensure and facilitate it, the Treasurer would hereby respectfully submit to the Legislature, the propriety and the necessity of extending the like remedy against the makers of such bonds, as is at present provided by law, and in use, against such revenue officers of the state who fail to account and pay up as they are bound to do; or of providing such other practicable remedy as shall be considered more proper and advisable.

Much and respectfully, gentlemen, your o^bt serv^t,

Raleigh 25th Nov. 1822.

JOHN HAYWOOD, *Public Treasurer*

On motion, ordered that the said report be referred to the committee of Finance, and be sent to the Senate, with a proposition to have it printed for the use of the members.

Mr. Worth, from the committee of Propositions and Grievances, made a report on the petition of John Minis, of Orange county, unfavorable to the prayer of the petition. The question to concur with the report was determined in the negative; and, on motion of Mr. Fisher, the report and petition were recommitted to the same committee.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 27, 1822.

Mr. Speight presented a bill to repeal the first section of an act, passed in the year 1821, entitled an act to provide an additional fund for internal improvement. Ordered, that the said bill be referred to the committee on Internal Improvement.

Received from the Senate, a message, informing that the Senate have passed a bill to repeal an act, passed in the year 1810, chapter 105, entitled an act to authorise the County Court of Pleas and Quarter Sessions, for the county of Mecklenburg, to appoint a committee on roads; also, a bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the courts of Pleas and Quarter Sessions of the county of Burke; and asking the concurrence of this house.

Mr. Underwood presented a bill to authorise the County Courts of Pleas and Quarter Sessions, of Chatham and Randolph counties, to appoint committees of finance. The bill was read the first time, and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Whitaker presented the petitions of I. Willey, M. King, Samuel Carpenter, and John King, respectively praying for military land warrants. Ordered, that the said petitions be referred to the committee on Military Land Warrants.

Mr. Fisher presented the petition of the heirs of Joseph Cunningham, senior, and the heirs of Joseph Cunningham, junior, of the county of Rowan, praying that the sum of money paid by the elder Cunningham for a tract of land, purchased by him of the commissioner of confiscated property, and of which they had been evicted by due course of law, be refunded to them, together with interest and costs of suit. Ordered, that the petition be referred to the committee of Claims.

The bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the County Courts of Pleas and Quarter Sessions of the county of Burke, received from the Senate, was read the first time, and, on motion of Mr. Burgin, was postponed indefinitely.

Ordered that the Senate be informed thereof by message.

The bill to incorporate Eagle Lodge, No. 71, Hillsborough; also, the bill to amend the first section of an act, passed in the year 1821, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Mecklenburg; also, the bill to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof; also, the bill to amend an act, passed in 1798, entitled an act for the further regulation of the town of Newbern; were read the third time, and put on their passage, and the question "shall the said bills pass and be engrossed?" was determined in the affirmative.

Mr. Frink presented a bill to amend an act, passed in the year 1819, entitled an act relative to the appointment of county trustee for the county of Brunswick, and for other purposes; and Mr. Dockery presented a bill prescribing the sum to be paid into the treasury, on entries hereafter made of vacant and unappropriated lands. The said bills were read the first time, and put on their passage; and the question "shall the bills pass?" was determined in the affirmative.

On motion, ordered, that Mr. Hunt have leave of absence from the service of this house, from this day, until Monday next.

The resignation of Joseph Arnold, Justice of the Peace for the county of Washington, was presented, read and accepted.

On motion of Mr. Burgen,

Resolved, That the select committee on that part of the Governor's message which relates to the militia of this state, be directed to inquire into the expediency of revising and amending the militia laws of this state; and that they report by bill, or otherwise.

The bill to repeal the second section of an act, passed in the year 1821, respecting the Supreme Court; also, the bill to repeal an act, passed in the year 1821, entitled an act to increase the rates of toll at the Big Bridge, in the county of New Hanover, were read the third time; and the question "shall the said bills pass and be engrossed?" was determined in the affirmative.

The bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Iredell, and Randolph counties to appoint committees of finance; also, the bill to repeal an act, passed in the year 1821, entitled an act to prevent the hauling of seines between the New Inlet, near the mouth of Cape Fear river, and Bar and Inlet, commonly called Howe's Inlet; were read the second time, and passed.

The bill to repeal an act, passed in the year 1816, chapter 105, entitled an act to authorise the County Court of Pleas and Quarter Sessions of the county of Mecklenburg to appoint a committee of roads, was read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. White presented the following resolution:

Resolved, That the public Treasurer be, and he is hereby directed to pay to Joseph Medley, sheriff of Anson county, the sum of twenty-two dollars, for one hundred and ten insolvent polls, and thirty dollars for five insolvent stores, for the year 1820; and that he be allowed the same in the settlement of his public accounts.

Ordered, that the said resolution be referred to the committee of Claims.

On motion of Mr. Wilkins, ordered, that a message be sent to the Senate, proposing to ballot at the meeting of the two houses, to-morrow morning, for Brigadier General of the 15th brigade, and informing that Mr. D. Smith is nominated for the appointment.

A message from the Senate, agreeing to the proposition of this house to have printed the report of the public Treasurer.

On motion, ordered, that a message be sent to the Senate, proposing to ballot on Monday week next, for a Senator to represent this state in the Senate of the United States; and informing that this house had rejected the bill, received from the Senate, entitled a bill to repeal an act, passed in the year 1821, entitled an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke.

The house proceeded to consider the resolution presented yesterday by

Mr. Martin, of Rockingham; which being again read, Mr. Martin moved that it be amended by striking out the whole except the word "resolved," and substituting an amendment, in the following words: "That a joint select committee be appointed to inquire into the expediency of authorising, by law, the issue of a further sum in Treasury Notes; and that they have leave to confer with the treasurer of the state, and the directors of the State Bank, on the subject; and that they report by bill, or otherwise."

The bill to increase the pay of witnesses, where the court they attend is held at the distance of twenty miles, or more, from the place of their residence, was read the second time. Mr. Mebane moved that the further consideration of the bill be postponed indefinitely. The question to concur therewith passed in the affirmative—yeas 102, nays 19. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Alford, Barns, Baird, Burgen, Barnard, Brackell, Baker, Beall, Barrow, Bell, Broadnax, Bower, Boykin, Bateman, Blair, Cole, Cooper, Clark, L. Cherry, Carter, Conrad, J. Cherry, Carson, Chaney, Dargan, Daniel, Dockery, Dufany, Davenport, Elliott, Edwards, Fisher, Frink, Fox, Fleming, Gary, Gilchrist, J. Graham, Gordon, Graves, Hurrell, Hunt, Hunter, Harbin, Hoke, Hill, Hassell, Hastings, Horton, Heilen, Henry, J. Jones, R. A. Jones, Jeter, Kilpatrick, Lewis, Lee, Lamon, M'Lean, Melchor, Maxwell, Morgan, Matthews, A. McNeill, M'Laurin, R. Martin, Marmon, Mebane, M'Cauley, N. McNeill, J. Iver M'Millan, Mann, A. Moore, Nixon, Ormond, Pugh, Roberts, Rea, W. D. Smith, John Smith, Speight, James Skinner, Stephens, G. Smith, Sneed, Shepherd, S. Smith, Strange, Thompson, Thornton, Underwood, White, Walton, Worth, Wooten, Wilkins, Watson, Webb, Walker, Whitaker, Webster—yeas 102.

Those who voted in the negative, are Messrs. Blackledge, J. M. Bryan, C. Bell, Baine, Cox, Euse, Jarman, Leno, Melvin, M'Daniel, L. Martin, Nixon, Pugh, Abner Smith, Sidbury, H. Skinner, Turner, Ward, Yancy—nays 19.

The bill to amend an act, passed in the year 1806, entitled an act directing the sale of public lands, adjoining the town of Smithville, was read the third time; and the question "shall the said bill pass and be enrolled?" was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 28, 1822.

On motion of Mr. Strange,

Resolved, That so much of the report of the public Treasurer as relates to debts due the state, under one hundred dollars, be referred to the Judiciary committee.

On motion of Mr. Beall,

Resolved, That each member of this house shall endorse his name on each petition, bill, or other paper, (resignations excepted) which he presents.

On motion of Mr. Fisher,

Ordered, That Mr. Moore be added to the Judiciary committee.

Mr. Macy presented a bill concerning the town of Salisbury; Mr. Strange a bill to amend an act, passed in the year 1821, entitled an act for the better regulation of the town of Fayetteville; and Mr. Turner, a bill to allow commissions to constables, in the county of Warren, were read severally the first time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered, that Mr. Gordon have leave of absence, after this day, until Monday next.

The bill to authorise Henry Smith, to erect a gate on his lands, across a public road, in the county of Halifax; also, the bill to repeal an act, passed in the year 1810, chapter 105, entitled an act to authorise the County

Court of Pleas and Quarter Sessions for the county of Mecklenburg to appoint a committee on roads; also, the bill to amend an act, passed in the year 1819, entitled an act relative to the appointment of County Trustee for the county of Brunswick, and for other purposes, were severally read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Burns presented the petition of John Roberts, stating that, under several charges exhibited against him by the General Assembly, he is confined in the jail of Wake county, and praying to be released. Ordered that the said petition be referred to Messrs. Burns, Moore, Henry, Burgen and James Graham.

Mr. Fisher presented the petition of Samuel Whitaker, sheriff of Wake county, praying to have refunded to him the amount of tax on 1151 acres of land and 17 polls, which he had paid into the Treasury.

Mr. Moore presented the petition of Archibald M'Laine Hooper and Mary Fleming, heirs at law of Jerome M'Laine, a captain in the continental line of this state in the war of the revolution, praying for a military land warrant.

Ordered that these petitions be referred, the former to the committee of Claims, and the latter to the committee on Military Land Warrants.

The resignation of J. Speight, lieutenant colonel of the Greene county regiment of militia, was read and accepted.

A message from the Senate, by their clerk assistant, informing that they had passed a bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell; also a bill declaring what staves and heading shall be merchantable; also a bill exempting regular ministers of the gospel, of every denomination, from serving as jurors; and a bill for the division of Rowan county, and asking the concurrence of this House.

On motion of Mr. Jones, ordered that the following message be sent to the Senate:

Mr. Speaker.—We have appointed a committee, consisting of Mr. R. A. Jones and Mr. Blair, to act with such a committee as may be appointed by the Senate, to wait on his Excellency Gabriel Holmes, and to inform him of his re-election to the chief magistracy of the state for the ensuing year; and to know of him at what time it will suit his convenience to take the oaths necessary for his qualification.

On motion of Mr. Beall,

Resolved, That a select committee be appointed to examine the road laws, and inquire into the expediency of amending them; and to report by bill or otherwise; and that Messrs. Beall, Lamon, Macey, M'Allan and Nixon form this committee.

The bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint committees of finance; also the bill to incorporate the town of Clinton, in Sampson county; also the bill to amend an act, passed in the year 1819, entitled an act relative to the appointment of county trustee of Brunswick, and for other purposes; also the bill to authorise Henry Smith to erect a gate on his land, across a public road, in the county of Halifax; also the bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham and Randolph counties to appoint committees of finance; also the bill to repeal an act, passed in the year 1821, entitled an act to prevent the hauling of seines between the New Inlet, near the mouth of Cape-Fear River, and Bar and Inlet, commonly called Howe's Inlet; also the bill to amend an act, passed in the year 1819, entitled an act

appoint commissioners for the town of Chapel Hill, in Orange county, were severally read the third time; and the question "shall the said bills pass and be engrossed?" was determined in the affirmative.

Mr. McLean presented a bill to regulate the courts of Pleas and Quarter Sessions of the county of Cabarrus, and Mr. James Graham presented a bill directing the time and place of selling lands and slaves under execution. These bills were read the first time, and the question "shall they pass?" was determined in the affirmative.

The bill prescribing the sum to be paid into the Treasury on Entries hereafter made of vacant and unappropriated lands, was read the second time, and, on motion, postponed indefinitely.

A message from the Senate, by their clerk assistant, agreeing to ballot at the time proposed by this House for a senator to represent this State in the Senate of the United States.

The bill to allow commissions to constables in the county of Warren; also the bill concerning the town of Salisbury, were read the second time, and the question "shall the said bills pass?" was determined in the affirmative.

The petition of John and Josiah Nowell was presented and read, praying for military land warrants. Ordered that the said petition be referred to the committee on Military Land Warrants.

The bill to repeal an act, passed in the year 1810, chapter 105, entitled an act to authorise the county Court of Pleas and Quarter Sessions for the county of Mecklenburg, to appoint a committee on roads, was read the third time, and the question "shall the said bill pass and be enrolled?" was determined in the affirmative.

The bill to amend an act, passed in the year 1821, entitled an act for the better regulation of the town of Fayetteville, was read the second time and passed.

Mr. Barringer presented the petition of Ransom Hinton, clerk of the Superior Court of the county of Wake, stating that many suits had been instituted by direction of the Governor and the Adjutant-general, on behalf of this state, against delinquent militia officers and others, in said court, which had been dismissed by the Attorney-general and the Governor, and praying payment of fees. Ordered that the petition be referred to the committee of Claims.

The bill declaring what staves and heading shall be merchantable; also the bill for the division of Rowan county; also the bill for the better regulation of the courts of Pleas and Quarter Sessions of the county of Iredell, received from the Senate, were severally read the first time, and the question "shall the said bills pass?" was determined in the affirmative.

Mr. J. Skinner, from the committee of Claims, to whom was referred a resolution directing the Public Treasurer to pay to Josiah Medley, sheriff of Anson county, the sum of twenty-two dollars, for one hundred and ten insolvent polls, and thirty dollars for five insolvent stores, for the year 1820, made a report favorable to the resolution, recommending its adoption.

Mr. J. Skinner, from the same committee, to whom was referred the resolution authorising the Treasurer to pay to Samuel W. W. Vick, sheriff of Nash county, twelve dollars and eighty cents, for sixty-four insolvent

polls, for the year 1821, made a report recommending the adoption of the resolution; and Mr. J. Skinner, from the same committee, to whom was referred the memorial of John Jarrett, colonel commandant of the second regiment of the militia of Rowan county, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the said reports was determined in the affirmative.

The certificate of the county Court of Cumberland, in favor of Isabella Campbell, widow of the late capt. James Campbell, was returned from the Senate, countersigned by the speaker.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 29, 1822.

On motion, ordered that Mr. Hunter be added to the Military Committee.

Mr. Clark presented the following resolution:

Whereas, the very low price of produce, the scarcity of cash, and the remote situation and distance from market of a great portion of the western part of the state, renders it extremely difficult for many of them to meet the current demands against them, even for necessaries, and bears with peculiar hardness on those who have become purchasers of public lands, and whose bonds are now becoming due; and whereas this Legislature is not disposed to add to the distress and ruin of the good people of this state; Therefore,

Resolved, That the committee on Public Lands be instructed to inquire into the expediency of prolonging the time of payment of the several instalments allowed on the purchase money of the Cherokee lands, at the late sales thereof, or whether any and what means may be devised to render the said payments less burthensome to the purchasers; and that the said committee have leave to report by bill or otherwise.

The question to concur with the resolution was determined in the affirmative.

On motion of Mr. Baine,

Resolved, That the committee of Propositions and Grievances be instructed to inquire into the propriety of passing an act to prevent slaves from attending general musters and elections, and report by bill or otherwise.

Mr. John Smith, who voted yesterday in the majority on the question of indefinite postponement of the bill prescribing the sum to be paid into the Treasury, on Entries hereafter made of vacant and unappropriated Lands, moved that the House do reconsider that vote. The question to concur with the motion was determined in the affirmative, and the bill, on motion, made the order of the day for Monday next.

On motion, ordered that Mr. Moore be added to the committee on Education.

On motion of Mr. Moore,

Resolved, That the committee on that part of the Governor's message which relates to the Cherokee lands, be directed to inquire into the propriety of applying to the Congress of the United States, to provide for extinguishing the claim which certain Indians, or heads of Indian families, have for reservations of land under the provisions of the treaties concluded at the Cherokee Agency on the 8th day of July, 1819, and at Washington City, on the 27th of February 1819, within the state of North Carolina; and that they report by bill or otherwise.

On motion of Mr. Ward,

Resolved, That the door-keepers be, and they are hereby instructed to provide suitable curtains for the southern windows of the Commons Hall.

Mr. Bateman, from the committee on the Inspection Laws, reported a bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchable commodities; and Mr. Bateman

presented a bill to alter the time of holding the election for Electors to vote for the President and Vice President of the United States. These bills were read the first time, and the question "shall they pass?" was determined in the affirmative.

The bill to exempt regular ministers of the gospel, of every denomination, from serving as jurors, received from the Senate, was read the first time; and the bill to regulate the Courts of Pleas and Quarter Sessions in the county of Cabarrus; also, the bill for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Cox presented the following resolution:

Resolved, That the committee on so much of the Governor's message as relates to the judiciary, be instructed to inquire into and propose a plan to enable sheriffs to collect poll taxes from such persons as they now return insolvent; and report by bill, or otherwise.

The question to concur with the resolution was determined in the negative.

Mr. Skinner, from the committee of Propositions and Grievances, to whom was recommended the report on the petition of John Minis, of Orange county, made a report recommending the rejection of the petition. The question to concur with the report was determined in the negative.

Whereupon, on motion of Mr. Mebane,

Resolved, That John Minis, of the county of Orange, be allowed the sum of sixty dollars, to be paid to him annually, from any unappropriated moneys in the treasury of the state; and that the same be allowed the Treasurer in the settlement of his accounts.

The question to concur with the resolution was determined in the affirmative, and sent to the Senate for concurrence.

On motion, ordered, that Mr. McCauley have leave of absence, after this day, until Monday next.

The bill for the division of Rowan county, was read the second time; and the house, on motion of Mr. Pugh, resolved itself into a committee of the whole, on the said bill, Mr. Graves in the chair; and, after some time spent therein, Mr. Blackledge moved that the committee rise and report that it is inexpedient to pass the said bill. The question thereon was determined in the negative.

Mr. Fisher then moved that the committee rise, and report to the house, that it is expedient to pass the said bill. The question thereon was determined in the affirmative; and Mr. Speaker resumed the chair, and Mr. Graves reported that the committee of the whole house had had the said bill under consideration, and directed him to report that it is expedient to pass the said bill. The question was determined in the affirmative. The bill, thereupon, was put on its passage; and the question "shall the said bill pass?" was determined in the affirmative—yeas 73, nays 54. The yeas and nays called for by Mr. Speight.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Alford, Burns, Baird, Burgin, Beall, Baine, Brodnax, Brower, Barringer, Bateman, Cotten, Clark, Conrad, Carson, Clancy, Dargan, Dockery, Dulany, Eure, Fisher, Frink, Gilechrist, J. Graham, Graves, Hunter, Harbin, Hoke, Hill, Harton, Hellen, Henry, R. A. Jones, Jarman, Jeter, Lee, Love, Lamb, A. N. McMillan, McLean, Melchor, Morgan, McDaniel, A. M. McNeill, J. McLaurin, R. Martin, Matmon, Mebane, McCauley, Macay, N. McNeill, Mann, L. Martin, Moore, Roberts, Rea, W. D. Smith, J. Smith, A. Smith,

G. Smith, Sneed, Shepherd, Strange, Thompson, Thornton, Turner, Tyson, Underwood, White, Worth, Webb, Yancey—yeas 73.

Those who voted in the negative, are Messrs. S. A. Bryan, Blackledge, J. M. Bryan, Barnard, C. Bell, Brickell, Baker, Barrow, T. Bell, Boykin, Blair, Cole, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Davenport, Elliott, Edwards, Fox, Fleming, Gary, E. E. Graham, Harrell, Hassell, Hastings, J. Jones, Jiggitts, Kilpatrick, Lewis, Lamon, Melvin, Maxwell, Matthews, J. J. McMillan, Nixon, Ormond, Pugh, Speight, J. Skinner, Stephens, Sidbury, H. Skinner, S. Smith, Walton, Wooten, Wilkins, Watson, Williamson, Walker, Whitaker, Webster—nays 54.

On motion of Mr. Moore, the bill for the division of Rowan county was read the third time; and the question "shall the said bill pass and be enrolled?" was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 30, 1822.

Mr. Clark presented a bill to confirm and establish a road from the north east of Haywood county, at Jesse Billew's old place, to the Georgia line, as cut out and made by Colonel Robert Love, in the year 1821, commonly called the Cherokee road; and Mr. Speight, a bill requiring sheriffs to act as coroners, in certain cases; and Mr. Webb, a bill to amend an act, entitled an act laying duties on sales at auction, of merchandise, passed in the year 1818, chapter 166. These bills were read the first time; the two former passed, and the latter referred to the committee on Finance.

On motion of Mr. Graves, ordered, that a message be sent to the Senate, proposing to ballot, on Monday next, for a public Printer, a Treasurer, and Comptroller, for the ensuing year; and informing that Thomas Henderson, as public Printer; John Haywood, as Treasurer; and Joseph Hawkins, as Comptroller, are in nomination for the appointments.

The resignations of John Fellow and Moore Thornton, Justices of the Peace for the county of Sampson, were read and accepted.

Mr. Dockery presented the following resolution:

Whereas, the payment of taxes heretofore imposed on pedlars has often been evaded by neglect, or otherwise, and the public treasury has been thereby deprived of a part of its just revenue; therefore,

Resolved, That the committee of Finance be instructed to inquire into the expediency of passing a law with a view to enhance the revenue, by imposing some specific sum, for permission to peddle or hawk goods, wares, or merchandise, throughout the state, without requiring them to take license, in each county, as heretofore; and that they report by bill or otherwise.

The question to concur with the resolution was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that they had passed a bill making compensation to the jurors of the Superior and County Courts of Moore, Carteret, and Bertie; also, a resolution in favor of John Reeks, of Nash county; and asking the concurrence of this house.

Mr. Strange presented the petition of Ephraim Hart, of the city of New-York, praying to be paid for certain specie certificates. Ordered, that the petition be referred to the committee of Claims.

A message from the Senate, informing that they had formed a committee, consisting of Messrs. Carson and Beasley, to join the committee appointed by this house to wait on his excellency the Governor, and to inform him of his re-election to the chief magistracy of the state, for the ensuing year; and to know of him at what time it will suit his convenience to take the oaths necessary for his qualification.

On motion of Mr. Blackledge,

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Resolved, That the committee on the Inspection Laws, be instructed to inquire whether it is necessary or expedient to make any provision, by law, for the inspection of cotton raised in this state; and that they have leave to report by bill, or otherwise.

On motion of Mr. R. Martin,

Resolved, That the public Printer be directed to attach to the Laws, the annual statement of the Comptroller.

On motion of Mr. Jones, of Halifax,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of imposing further restrictions on the emigration of free persons of color into this state.

The bill to allow commissions to constables in the counties of Warren, Northampton, Brunswick, and New-Hanover; also, the bill to regulate the Courts of Pleas and Quarter Sessions in the county of Cabarrus; also, the bill concerning the town of Salisbury; also, the bill to amend an act, passed in the year 1821, chapter 130, entitled an act for the better regulation of the town of Fayetteville; were read the third time, and the question "shall the said bills pass and be engrossed?" was determined in the affirmative.

The bill to exempt regular ministers of the gospel, of every denomination, from serving as jurors, was read the second and third times; and the question "shall the said bill pass its second and third readings and be enrolled?" was determined in the affirmative.

The bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchantable commodities, was read the second time; and the question "shall the said bill pass?" was determined in the affirmative.

Received from the Senate, a resolution in favor of John Reeks, late sheriff of Nash county, which, being read, was concurred with and returned.

Mr. Worth, from the committee to whom was referred the petition of sundry citizens of Guilford county, made a report, recommending the passage of a bill, forming a part of the report to provide for the removal of the clerk's office of the Court of Pleas and Quarter Sessions, of the county of Guilford, to the Court House of said county. The report was concurred in, and the bill recommended read the first time; and the question "shall the bill pass?" was determined in the affirmative.

Mr. Moore, from the select committee to whom the petition of John Roberts was referred, made a report favorable to the prayer of the petition. The question to concur with the report passed in the affirmative.

Whereupon, on the motion of Mr. L. Martin,

Resolved, That the Governor of this state be requested to discharge John Roberts, of Carteret county, from all suits and prosecutions now depending against him at the instance of the state; and further, that he be requested to pardon him and discharge him from confinement.

Mr. Cooper presented the following resolution:

Resolved, That each member of the General Assembly be entitled to, and have furnished to him by the State Printer, two copies of the Journals of the proceedings of both houses.

Resolved, That the State Printer furnish and distribute the copies aforesaid, at the same time he shall furnish and distribute the Laws of the state.

The question to concur with the said resolution was determined in the negative—yeas 12, nays 112. The yeas and nays called for by Mr. Cooper.

Those who voted in the affirmative, are Messrs. S. A. Bryan, Blackledge, Erickell,

Baker, Blair, Cooper, L. Cherry, Hastings, Jiggitts, Lamb, Ormond, Underwood—Yeas 12.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Burns, J. M. Bryan, Baird, Burgen, Barnard, C. Bell, Beall, Baine, Barrow, T. Bell Brodnax, Brower, Boykin, Barringer, Bateman, Cole, Cotten, Clark, Carter, Cox, Conrad, J. Cherry, Carson, Clancy, Dargan, Daniel, Dockery, Dulany, Davenport, Edwards, Elliott, Eure, Fisher, Frink, Fox, Fleming, Gary, Gilchrist, J. Graham, E. E. Graham, Graves, Harrell, Hunter, Harbin, Hoke, Hill, Hassell, Horton, Hellen, J. Jones, R. A. Jones, Jarman, Jeter, Kilpatrick, Lewis, Lee, Lamon, Melvin, A. B. McMillan, McLean, Melchor, Maxwell, Morgan, Matthews, M'Daniel, A. McNeill, McLaurin, R. Martin, Marmon, Mebane, N. McNeill, J. I. McMillan, Mann, L. Martin, Moore, Nixon, Pugh, Roberts, Rea, W. D. Smith, J. Smith, A. Smith, Speight, J. Skinner, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, Shepherd, S. Smith, Strange, Thompson, Thornton, Turner, Tyson, White, Walton, Worth, Wooten, Wilkins, Watson, Ward, Webb, Williamson, Walker, Whitaker, Webster, Yancy—nays 112.

The House then adjourned until Monday next, 19 o'clock.

MONDAY, DECEMBER 2, 1822.

On motion of Mr. Martin, of Pasquotank, the House reconsidered the resolution, presented on Saturday last, directing the public printer to attach to the laws the annual statement of the Comptroller. On motion of Mr. Mebane, ordered that the resolution lie on the table.

A message from the Senate, informing that they had passed a bill to amend an act, passed in the year 1810, entitled an act to amend an act, entitled an additional act to an act, entitled feme covert's how to pass lands, and asking the concurrence of this House. The bill was read, and, on motion of Mr. Mebane, ordered to lie on the table, and be printed.

On motion,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the laws respecting vagrants, that each and every person in the state of North-Carolina, who is of ill fame, and who is uniformly and notoriously indolent, not using the proper exertions to procure a livelihood, wasting time by haunting grog shops, for the purpose of drinking or gambling; whose conduct can be proven by three or more respectable citizens, shall be liable to be apprehended, carried before a justice of the peace, committed to the common prison for ten days, and, at the expiration of said term, hired out to the highest bidder for a term sufficient to pay all costs; also to pay all debts by him or her contracted during his or her vicious, indolent life; and that any two or more good, reputable men, who may hereafter inform the justice of the peace of such person or persons, and substantiate the charges, shall receive ten dollars in compensation: on the contrary, be liable for costs; with leave to report by bill or otherwise.

On motion of Mr. Sheppard, ordered that Mr. Strange have leave of absence from this day until Saturday next, both inclusive.

On motion of Mr. Mebane,

Resolved, That all resolutions, the object of which is to draw money out of the public treasury, be read three times in this House, and engrossed, examined, enrolled and signed in the same manner as bills.

Mr. White presented a bill to regulate the Court of Pleas and Quarter Sessions for the county of Anson; and Mr. L. Martin presented a bill for the more convenient administration of justice in capital cases. These bills were read the first time—the former passed, and the latter referred to the Judiciary committee.

The bill to provide for the removal of the clerk's office of the Court of Pleas and Quarter Sessions of the county of Guilford to the court house of said county; also the bill requiring sheriffs to act as coroners in certain

cases, were passed." was

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cases, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered that the Senate be informed, by message, that Mess. Turner, J. Graham, Mann, and Martin, of Pasquotank, form the committee of Enrollment, on the part of this House.

Mr. H. Skinner presented a bill to exempt wardens of the poor of Perquimans county from serving on juries. Mr. Fisher presented a bill for the better regulation of the County Courts of Rowan. These bills were read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot to-morrow for a brigadier general for the 9th brigade, and informing that James Martin, of the county of Wilkes, and Solomon Graves, of Surry, are nominated for the appointment.

On motion, ordered that the committee on Roads be instructed to inquire into the expediency of passing a law to have the public roads cleared of all loose rocks and stones, which may appear in the public roads in this state, and report by bill or otherwise.

Mr. H. Skinner presented a bill to punish trespasses on land by indictment. Ordered that the said bill be referred to the committee on the Judiciary.

A message from the Senate, by their clerk assistant, disagreeing with the proposition of this House to vote on this day for a Public Printer, Treasurer and Comptroller, and proposing to ballot on Wednesday next for these officers. The message was concurred in, and the Senate informed thereof by message.

The resignation of D. B. Allen, colonel of the county of Warren, received from the Senate, was read and accepted.

Mr. A. McNeill presented a bill respecting the court of Pleas and Quarter Sessions of the county of Moore, which was read the first time and passed.

The bill to amend an act, passed in the year 1821, entitled an act to regulate the fees of Notaries; also the bill to confirm and establish a road from the north-east end of Haywood county, at Jesse Billew's old place, to the Georgia line, as cut out and made by col. Robert Love, in the year 1821, commonly called the Cherokee road, were read the second time, and, on motion, postponed indefinitely.

Mr. Cooper presented the following resolution:

Resolved, That the public Printer of this state publish and transmit, at the same time he transmits the laws of this state, one copy of the Journals of this and each succeeding General Assembly, to the clerks of each and every county Court in this state, to be deposited among the Records and papers of their respective offices, and kept open for the inspection of the citizens of the county.

The question to concur with the resolution was determined in the negative.

The bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchantable commodities, was read the third time, and the question "shall the said bill pass, be engrossed and sent to the Senate?" was determined in the affirmative.

The bill concerning the town of Lumberton; also the bill for the better regulation of the courts of Pleas and Quarter Sessions of the county of Iredell, were read the third time, and the question "shall the said bills

pass?" was determined in the affirmative. Ordered that the said bills be enrolled.

The bill to provide for the removal of the clerk's office, of the court of Pleas and Quarter Sessions of the county of Guilford, to the Court House of said county, was read the third time, and the question "shall the said bill pass and be engrossed?" was determined in the affirmative.

On motion, ordered that the bill directing the time and place of selling lands and slaves under execution, be the order of the day for Thursday next; and the bill to repeal the 13th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court, and also an act, passed in the year 1821, entitled an act to amend an act concerning the Supreme Court, be the order of the day for Thursday next.

Mr. J. Graham presented the petition of Ann Farmer, of the county of Lincoln, in the state of Tennessee, praying that the amount of the estate of William Probate, which escheated and was sold by the commissioners on behalf of the trustees of the University, be refunded to her. Ordered that the petition be referred to the committee of Claims.

Mr. L. Martin presented the petition of John White, praying to be divorced from his wife Tamer. Ordered that the petition be referred to the committee of Propositions and Grievances.

The bill prescribing the sum to be paid into the Treasury on Entries, hereafter made of vacant and unappropriated lands, was read the second time. Mr. Baker moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the negative—yeas 57, nays 60. The yeas and nays called for by Mr. Boykin.

Those who voted in the affirmative, are Messrs. Blackledge, J. M. Bryan, Barnard, Baker, Barrow, Bell, Barringer, Bateman, Cole, Cooper, L. Cherry, Carter, Conrad, Clancey, Daniel, Dulany, Elliott, Edwards, Fox, Gary, J. Graham, E. E. Craham, Graves, Harrel, Hunt, Hunter, Hoke, Hastings, Hellen, J. Jones, Jiggitts, R. A. Jones, Jarman, Kilpatrick, Lewis, Lamon, M'Lean, Matthews, M'Daniel, R. Martin, Mebane, Mann, L. Martin, Ormond, Pugh, J. Skinner, H. Skinner, S. Smith, Thornton, Turner, Walton, Worth, Webb, Williamson, Whitaker, Webster, Yancy—yeas 57.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Barns, Baird, Burgen, Bell, Beall, Baine, Brodnax, Brower, Boykin, Cotten, Clark, Cox, J. Cherry, Dargan, Dockery, Davenport, Eure, Fisher, Frink, Fleming, Gilchrist, Gordon, Hardin, Hill, Hassell, Horton, Jeter, Lee, Love, Melvin, A. B. M'Millan, Melchor, Maxwell, Morgan, A. M'Neill, M'Laurin, Marmon, Macay, N. M'Neill, J. I. M'Millan, Moore, Nixon, Roberts, Rea, W. Smith, J. Smith, A. Smith, Speight, Stephens, Sidbury, G. Smith, Sheppard, Thompson, Tyson, Underwood, White, Wooten—nays 60.

The bill, thereupon, was put on its passage, and the question "shall the bill pass?" was determined in the affirmative. On motion, the said bill was read the third time; and Mr. R. A. Jones moved that the further consideration thereof be postponed indefinitely. The question thereon was determined in the affirmative—yeas 67, nays 58.

Those who voted in the affirmative, are Messrs. S. A. Bryan, Blackledge, J. M. Bryan, Barnard, Brickell, Baker, Barrow, Bell, Barringer, Bateman, Blair, Cole, Cooper, L. Cherry, Carter, Conrad, J. Cherry, Clancey, Daniel, Dulany, Davenport, Elliott,

wards, Eure, Fox, J. Graham, Gary, E. E. Graham, Graves, Harrell, Hunt, Hunter, Hoke, Hastings, Hellen, J. Jones, Jiggitts, R. A. Jones, Jarman, Jeter, Kilpatrick, Lewis, Lamon, McLean, Matthews, R. Martin, Mebane, Mann, L. Martin Ormond, Pugh, J. Skinner, H. Skinner, S. Smith, Thornton, Turner, Walton, Worth, Wilkins, Watson, Ward, Webb, Williamson, Walker, Whitaker, Webster, Yancy—yeas 67.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Burns, Baird, Burgen, Bell, Beall, Baine, Brodnax, Brower, Boykin, Cotten, Clark, Cox, Carson, Dargan, Dockery, Fisher, Frink, Fleming, Gilchrist, Gordon, Hardin, Hill, Hassell, Horton, Lee, Love, Lamb, Melvin, A. B. M. Millan, Melchor, Maxwell, Morgan, M. Daniel, A. M. Neill, M. Laurin, Marmon, Macay, N. M. Neill, J. I. M. Milan, Moore, Nixon, Roberts, W. B. Smith, J. Smith, A. Smith, Speight, Stephens, Sidbury, G. Smith, Sheppard, Thompson, Tyson, Underwood, White, Wooten—nays 58.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 3, 1822.

On motion, ordered that Mr. Moore be added to the committee on Internal Improvement.

Mr. R. A. Jones, from the committee appointed to wait on his Excellency the Governor, to inform him of his re-election to the chief magistracy of the state for the ensuing year, and to know of him when it would suit his convenience to take the oaths necessary for his qualification, reported that the committee had performed that duty; and that the Governor answered, he would attend and take the oaths prescribed by law for his qualification on Saturday next, at 12 o'clock.

Mr. Moore presented the memorial of the inhabitants of the town of Wilmington, on the subject of the navigation from that town to the Bar. Ordered that the said memorial be referred to Messrs. Moore, Mebane, Fisher, Dulany and Burns, and be printed.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; also, a bill to restore James Jackson, of the county of Moore, to credit; and a bill concerning the town of Asheville, in Buncombe county; and asking the concurrence of this House.

The bill concerning the town of Asheville, in Buncombe county; also the bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; also the bill to restore James Jackson, of the county of Moore, to credit, received from the Senate, were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion of Mr. Hoke,

Resolved, That the committee on the Judiciary be instructed to inquire whether any alteration is necessary to be made in the patrol laws of this state; and that they report by bill or otherwise.

Mr. Hill, from the select committee to whom was referred the petition of Sally Hampton, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report passed in the affirmative.

On motion of Mr. A. M. Neill,

Resolved, by the General Assembly of the state of North-Carolina, That the Secretary of State be instructed to issue to Alexander Carroll, of Moore county, a grant for one hundred acres of land, by Warrant No. 51.

On motion, referred to Messrs. M. Neill, Pugh, Eure, S. A. Bryon and Maxwell.

The resignations of John Jarrett, colonel commandant of the second regiment of the Rowan county militia, and James Ward, justice of the peace for the county of Lincoln, were presented, read and accepted.

Mr. A. Smith presented a bill to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton's turnpike road; Mr. Cox presented a bill to shorten the time of service of clerks of the Courts of Pleas and Quarter Sessions, clerks of the Superior Courts of Law, and clerks and masters in equity; Mr. M'Millan a bill for the better regulation and discipline of the militia of Ashe county. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill to exempt the wardens of the poor of Perquimons, Craven, Greene, Martin, Jones, Camden, Edgecombe, Duplin and Johnston, was read the second time, and, on motion of Mr. Graves, ordered to lie on the table until the 15th of January next.

The bill to regulate the Courts of Pleas and Quarter Sessions for the county of Anson; also the bill for the better regulation of the County Courts of Rowan, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill respecting the Court of Pleas and Quarter Sessions of the county of Moore, was read the second time; and the question "shall the said bill pass?" was determined in the negative.

Mr. J. Skinner, from the committee of Claims, to whom was referred the petition of Ann Farmer, of Lincoln county, in the state of Tennessee, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report passed affirmatively.

And Mr. Skinner, from the same committee, to whom was referred the petition of Samuel Whitaker, sheriff of Wake county, made a report favorable to the prayer of the petition, recommending the passage of a resolution, directing the Treasurer to pay to him, for the year 1820, a sum equivalent to the tax on 1151 acres of land, valued at 4,604 dollars, and 17 polls. The report was concurred in, and the resolution recommended read the first time and passed.

Mr. Skinner, from the same committee, made a report on the petition of Ransom Hinton, clerk of the Superior Court of Wake county, unfavorable to the prayer of the petition. The question to concur with the report was disagreed to; and the petition and the report, on the motion of Mr. Barringer, ordered to be recommitted to the same committee.

The bill concerning the town of Asheville, in Buncombe county; also the bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill to regulate the Court of Pleas and Quarter Sessions for the county of Anson was read the third time, and, on motion, postponed indefinitely.

Mr. Cox presented the following resolution:

Resolved, That the State Engineer be discharged from the service of this state after the present year.

On motion of Mr. Mebane, ordered that the resolution be referred to the committee on Internal Improvement.

A message from the Senate, by their clerk assistant, informing that they had appointed a committee on Enrolled Bills, consisting of Messrs. Troy and Hatch.

Mr. Barringer presented a bill concerning the County Court of Wake. The said bill was read the first time and passed.

A message from the Senate, by their clerk assistant, informing of their disagreement with the proposition of this House to ballot for brigadier general of the 15th brigade, and proposing to ballot for that officer to-morrow; and informing that the names of Samuel Chunn, Samuel Davidson, James Erwin and John Fagan are added to the nomination; and agreeing to ballot to-morrow for a brigadier general of the 9th brigade.

The resolution proposing to appoint a joint select committee to inquire into the expediency of issuing treasury notes, was returned from the Senate, concurred with, and appointing a committee, consisting of Messrs. Blackwell, Lindsay, Shoher, Ward and Troy.

Mr. Sheppard presented a bill to amend the 19th section of an act, passed in the year 1794, chapter 414, entitled an act directing the mode of recovering debts of twenty pounds and under. The said bill was read the first time, passed, and, on motion, referred to the committee on the Judiciary.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 4, 1822.

The bill to restore James Jackson, of the county of Moore, to credit; also the bill for the better regulation and discipline of the militia of Ashe county; also the bill to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton's turnpike road, were severally read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion of Mr. Fisher,

Resolved, That the committee on the Judiciary be instructed to inquire whether it is not expedient, on considerations of policy as well as of humanity, to abolish the existing laws in this state, authorising imprisonment for debt; and that they report by bill or otherwise.

The bill to amend an act, passed in the year 1820, entitled an act for the better organization of the militia of Beaufort county; also the bill concerning the town of Asheville, in Buncombe county; also the bill for the better regulation of the county Court of Rowan, and for other purposes, were severally read the third time and passed, the two former ordered to be enrolled, and the latter to be engrossed.

Mr. Baker presented a bill to authorise the sheriff of Edgecombe county to collect arrears of taxes; and Mr. Pugh a bill to compel the clerks of the Superior Courts of Law and Courts of Pleas and Quarter Sessions of Hyde county, to keep their offices near the Court House. These bills were read the first time, and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing that Mr. Wilkins and Mr. Pugh form a committee, on the part of this House, to conduct the balloting for a brigadier-general for the 15th brigade, and that the name of Samuel Chunn is withdrawn from the nomination.

On motion of Mr. Mebane,

Resolved, That the committee on Agriculture be instructed to inquire into the

propriety of appropriating, by law, certain small sums of money to the several Agricultural Societies within the state, to be by them given in premiums, to encourage the improvement of the agriculture of this state; and that they report by bill or otherwise.

The bill to amend an act, passed in the year 1810, entitled an act to amend an act, entitled an additional act to an act entitled Feme Covers how to pass lands, was read the first time, passed, and made the order of the day for to-morrow.

Mr. Fisher presented a bill supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county. The said bill was read the first time, and the question "shall the said bill pass?" was determined in the affirmative.

A message from the Senate, informing that Mr. Shober and Mr. Carsen attend this House, as a committee on their part, to conduct the balloting for brigadier-general for the 15th brigade.

On motion, ordered that Mr. Sneed have leave of absence after this day, until Saturday next.

The bill to restore James Jackson, of the county of Moore, to credit, was read the third time; and the question "shall the said bill pass and be enrolled?" was determined in the affirmative.

The bill concerning the county Court of Wake, was read the second time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Graves presented a bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes. The bill was read the first time; and the question "shall the said bill pass?" was determined in the affirmative. The resignations of Dennis Hargis, colonel of the first regiment of militia of Orange county, Walter M'Connel, colonel of the 8th brigade of cavalry, and William Doak, lieutenant-colonel of the same brigade, attached to the 4th division of cavalry, A. Bowman and Wyatt Peebles, Justices of the Peace for the county of Guilford, were presented, read and accepted.

Mr. Wilkins, from the committee appointed to conduct the balloting for brigadier-general for the 15th brigade, reported that the committee had performed that duty; and that on examining the ballots, it appeared no one in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion of Mr. G. Smith,

Resolved, That each member retain his seat, after the Speaker shall announce the adjournment of the House, until the door-keeper shall have announced the time appointed for the meeting of the different committees; and that this resolution be observed during the session.

The bill concerning the county Courts of Wake, Carteret and Johnston, was read the third time; and the question "shall the said bill pass and be engrossed?" was determined in the affirmative.

The resignations of William Howard, senior, and Jacob Gaskell, commissioners of navigation for the port of Ocracock, were presented, read and accepted.

The bill to incorporate Colden Fleece Lodge, No. 74, in the town of Milton, and for other purposes, was read the second and third times; and the question "shall the said bill pass?" was determined in the affirmative. Ordered that the said bill be engrossed, and sent to the Senate for concurrence.

The bill making compensation to the jurors of the Superior and county Courts of Moore, Carteret and Bertie, was read the third time and put on its passage. The question "shall the said bill pass and be enrolled?" was determined in the affirmative.

On motion, ordered that the bill to shorten the term of service of clerks of the Courts of Pleas and Quarter Sessions, clerks of the Superior Courts of Law, and Clerks and Masters in Equity; also the bill declaring what staves and heading shall be merchantable, lie on the table.

Mr. Cooper presented a bill concerning the hire of slaves, which was read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

The resolution in favor of Samuel Whitaker, sheriff of Wake county, was read the second time and passed.

Mr. James Skinner, from the committee of Claims, to whom was referred the petition of the heirs of Joseph Cunningham, senior, and the heirs of Joseph Cunningham, the younger, made a report favorable to the prayer of the petition, recommending the passage of a resolution, forming a part of the report, directing the Treasurer to pay to the heirs aforesaid, the sum of eleven hundred and forty dollars seventy-six cents. The report was concurred in, and the resolution reported, read the first time and passed.

On motion, ordered that a message be sent to the Senate, informing that Mr. Gordon and Mr. Hill form a committee, on the part of this House, to superintend the balloting for a Public Printer, a Treasurer, and a Comptroller, heretofore agreed on to take place this day.

A message from the Senate, informing that Mr. Davis and Mr. Beasley attend this House, as a committee on their part, to superintend the balloting for a Public Printer, Treasurer and Comptroller. On motion, ordered that a message be sent to the Senate, informing that it was not the intention of this House to ballot for a Comptroller at the same time the balloting for a Public Printer and Treasurer took place. We now propose to ballot for a Public Printer and Treasurer only, and to postpone the balloting for Comptroller.

A message from the Senate, by their clerk assistant, agreeing to ballot for a Public Printer and Treasurer only, and to postpone the balloting for Comptroller.

On motion, ordered that a message be sent to the Senate, informing that Mr. Speight and Mr. Dargan attend the Senate as a committee on the part of this House, to superintend the balloting for Public Printer and Treasurer. The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 5, 1822.

Mr. Mebane, from the committee on the Judiciary, to whom was referred the bill for the more convenient administration of Justice in capital offences, reported that the committee had taken the bill into consideration, and recommend that it be passed into a law. The question to concur with the report passed in the affirmative, and the bill reported read the first time and passed.

Mr. Mebane also, from the same committee, to whom was referred the bill to punish trespasses on land by indictment; also a resolution directing them to inquire whether any alteration is necessary to be made in the patrol laws of this state, made reports unfavorable to their objects, and pray-

ing to be discharged from the further consideration thereof. The question to concur with the reports was determined in the affirmative.

Mr. Gitchrist offered the following resolution:

Resolved, That no bill of a public nature shall be read thrice on the same day, without the concurrence of two thirds of the House.

Ordered to lie on the table until to-morrow.

Mr. Wilkins presented the petition of Elizabeth Skinner, praying to be secured in property she may hereafter acquire, against the claim or disposition of her husband or his creditors; Mr. E. E. Graham presented the petition of the heirs of Joseph Greene, deceased, assistant commissary of purchases in the war of the revolution, praying for a military land warrant. Ordered that the petitions be referred, the former to the committee of Propositions and Grievances, the latter to the committee on Military Land Warrants.

Mr. Clancy presented a bill to amend an act, passed in the year 1817, entitled an act directing what number of jurors may hereafter be drawn to serve in the Superior and county Courts.

Mr. Hastings presented a bill to amend an act, passed in the year 1741, entitled an act for the better observation and keeping the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; Mr. Turner presented a bill to incorporate Shady Grove Academy, in the county of Warren; Mr. L. Martin, a bill to amend an act, passed in the year 1811, entitled an act to make the stealing of standing or growing corn, maize, cotton, and rice, larceny; Mr. Worth presented a bill to incorporate the Library Society in Guilford county. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered that Mr. Lamont have leave of absence, after this day, including Saturday next.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier-general for the 15th brigade, and informing that Mr. Cooper and Mr. Clark attend the Senate, as a committee on the part of this House, to conduct the balloting.

Mr. Boykin, from the special committee to whom was referred a resolution directing them to inquire into the expediency of revising the standard laws, reported that the committee had, agreeably to order, had the subject under consideration, and recommend the passage of a bill accompanying the report, entitled a bill to amend an act, passed in the year 1818, relative to weights and measures. The report was concurred in, and the bill reported read the first time and passed.

Mr. A. McNeill, from the select committee to whom was referred a resolution, directing the Secretary of State to issue to Alexander Carroll, of Moore county, a grant for one hundred acres of land, by warrant No. 31, made a report recommending the passage of the resolution. The question to concur with the report was determined in the affirmative.

A message from the Senate, informing that Mr. Wall and Mr. Raiburn wait on this House, as a committee on their part, to conduct the balloting for brigadier-general for the 15th brigade.

On motion of Mr. Barringer,

Resolved, That in all joint ballotings hereafter to take place, the Speaker shall name the superintendants.

The bill to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton's turnpike road, was read the third time; also the bill to compel the clerks of the Superior Courts of Law and Courts of Pleas and Quarter Sessions of Hyde county, to keep their offices near the Court House, was read the second and third times. The question "shall the said bills pass and be engrossed?" was determined in the affirmative.

The bill supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county, was read the second time and amended; and the question "shall the said bill pass?" was determined in the affirmative.

The bill for the better regulation and discipline of the militia of Ashe county, was ordered to lie on the table.

The bill to authorise John Crumpter and William Ashford, securities of Alexander M'Alister, deceased, late sheriff of Sampson county, to collect arrears of taxes; also the bill to authorise the sheriff of Edgecombe county to collect arrears of taxes, were read the second time and rejected.

Mr. ——— presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the Law, so as to compel the Justices of the Peace in this state to make and keep a record of all their proceedings, and that the said committee further examine into the expediency of making provision by law, allowing Justices of the Peace the sum of _____ cents for every warrant for debt by them signed, and the sum of _____ cents for every judgment by them rendered, and the sum of _____ cents for every execution by them issued, and the sum of _____ cents for every attachment by them granted, and the sum of _____ cents for every attachment bond by them taken; and that they have liberty to report by bill or otherwise.

And Mr. Bell presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of making the punishment on persons committing fornication and adultery more severe; and make report thereof by bill or otherwise.

The questions to concur with the said resolutions were determined in the negative.

A message from the Senate, by their clerk assistant, proposing to ballot, at the meeting of the two Houses on Saturday next, for a Treasurer, a Comptroller and a Public Printer for the ensuing year. The message was concurred in.

The bill to amend an act, passed in 1810, entitled an act to amend an act entitled an additional act to an act entitled Feme Coverts how to pass lands, was read the second time. Mr. Martin, of Pasquotank, moved to amend the bill by striking out the words "may have been or" in the first section; and while the House was in discussion on the said motion, Mr. Barringer moved that the House adjourn until to-morrow, 10 o'clock. The question to concur with the motion was determined in the affirmative, and the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 6, 1822.

Mr. Clark, from the committee appointed to conduct the balloting for brigadier-general for the 15th brigade, reported that the committee had performed that duty, and that, on examining the ballots, it appeared no one in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, informing of

the consent of this House to ballot at the time proposed by the Senate for a Treasurer, Comptroller and Public Printer, and that the name of Thomas Turner is added to the nomination for Comptroller.

On motion of Mr. Hill, ordered that a message be sent to the Senate, proposing to ballot immediately for a brigadier-general for the 9th brigade, and informing that Mr. Bateman and Mr. Blair attend the Senate, as a committee to conduct the balloting on the part of this House.

Mr. Gordon presented a bill to appoint commissioners to view and lay off a road from the town of Wilkesboro' to Mrs. Bogle's, in Iredell county; Mr. Cox a bill declaring the effect of Deeds and Conveyances in trust to prevent fraud and unnecessary litigation; Mr. G. Smith a bill directing the manner of appointing patrols in the county of Davidson. These bills were severally read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

A message from the Senate, consenting to ballot immediately for brigadier general for the 9th brigade; and informing that Mr. Jacobs and Mr. Carson attend this House as a committee to conduct the balloting on their part; and proposing to ballot immediately for brigadier general for the 15th brigade.

On motion, ordered that a message be sent to the Senate, consenting to ballot for brigadier general for the 15th brigade; and informing that Mr. Wilkins and Mr. Cotten attend the Senate as a committee on the part of this House, to conduct the balloting.

A message from the Senate, informing that Mr. Legrand and Mr. Calloway attend this House, as a committee on their part, to conduct the balloting for brigadier-general for the 15th brigade.

A message from the Senate, by their clerk assistant, informing that they had passed a bill, authorising the proprietors of Beard's Bridge to keep a Ferry in certain cases; also a bill to alter the time of holding the courts of Pleas and Quarter Sessions of the county of Person; also a resolution in favor of John Massey, or his representatives; and also a bill to alter the time of the annual meeting of the General Assembly of this state, and asking the concurrence of this House.

Mr. J. Graham presented the following resolution:

Whereas, much unnecessary inconvenience, expense and delay are occasioned by the too frequent removal of suits and prosecutions; therefore,

Resolved, That the Judiciary committee be instructed to inquire into the policy and propriety of amending, altering or repealing the acts of the Assembly now in force, relative to the removal of suits and prosecutions from one county to another and that they report by bill or otherwise.

Mr. Blackledge presented the petition of John Martin, heir at law of Joel Martin, a soldier in the war of the revolution, praying for a military Land Warrant. Ordered that the petition be referred to the committee on Military Land Warrants.

The bill to incorporate a Light Infantry Company in the town of Newbern, was read the second time and amended, and put on its passage; and the question "shall the bill pass?" was determined in the affirmative.

Mr. Gary presented the following resolution:

Resolved, That the Judiciary committee be instructed to inquire into the expediency of amending the Laws relative to executors and administrators, so as upon the plea of fully administered being found in favor of executors or administrators, the land shall be considered assets in their hands, and to be by them sold under an order of Court upon their giving bonds in a sum sufficient to cover the value of such land and that they report by bill or otherwise.

On motion, ordered that the said resolution be postponed indefinitely.

Mr. Wilkins, from the committee appointed to conduct the balloting for a brigadier-general for the 15th brigade, reported that the committee had performed that duty; and that it appeared, on counting the ballots, that no person in nomination had a majority of the whole number; and Mr. Blair, from the committee appointed to conduct the balloting for brigadier-general for the 9th brigade, reported, that on examining the ballots, a majority of the whole number was found to be in favor of Solomon Graves, who was duly elected. The question to concur with the said reports was decided in the affirmative.

On motion, ordered that the bill declaring what staves and headings shall be merchantable, be referred to Messrs. Blackledge, E. E. Graham, Blair, Cole and N. McNeill.

The House proceeded to consider the resolution presented yesterday by Mr. Gilchrist, prohibiting the reading of public bills twice in the same day without the concurrence of two thirds of the House; which, being read, was concurred in.

Mr. Pugh presented the petition of John G. Blount, surviving partner of John G. & Thomas Blount, praying for a military land warrant. Ordered that the petition be referred to the committee on military land warrants.

On motion, ordered that the bill to amend an act, passed in 1810, entitled an act to amend an act entitled an additional act to an act entitled Feme Coverts, be made the order of the day for to-morrow.

The bill to incorporate Shady Grove Academy, in the county of Warren, was read the second time and put on its passage; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the petition of John White, of the county of Pasquotank, praying to be divorced from his wife Tamar, made a report favorable to the prayer of the petition, recommending the passage of a bill, forming a part of the report, entitled a bill to divorce John White, of the county of Pasquotank, from his wife Tamar. The report was concurred in, and the bill reported read the first time and passed.

Mr. Worth, from the same committee, to whom was referred the petition of James Gray and Terrill Wilkins, of Rutherford county, praying to be authorised to erect and keep up two gates, free of tax, upon a public road leading through their plantations, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report was determined in the affirmative.

The resolution in favor of the heirs of Joseph Cunningham, the elder, and the heirs of Joseph Cunningham, the younger, was read the second and third times, and amended: and the question "shall the said resolution pass as amended?" was determined in the affirmative.

Received from his excellency the governor, by his private secretary, Mr. Hardin, the following communication:

To the honorable General Assembly of the State of North-Carolina:

GENTLEMEN—I have the honor to lay before you, herewith, the adjutant-general's return of the militia of this state, for the current year; also the resignations of several Justices of the Peace and militia officers.

I have lately received a communication from the collector of the port of

Ocracock, in this state, stating that he had been instructed by the General Government to make application to the Legislature of this state, for a cession of jurisdiction of land on the island of Ocracock, purchased by the United States for the purpose of erecting a Light House thereon. The deed for the land, specifying its boundaries, is laid before you, and I respectfully submit to your consideration the propriety of making the cession requested. I have the honor to be, gentlemen, your ob't servant,

GABRIEL HOLMES.

Executive Office, Raleigh, December 5, 1822.

On motion, ordered that so much of the said message as relates to the adjutant-general's report, together with the report, be referred to the military committee; and that so much as relates to the cession of jurisdiction of land on the island of Ocracock, purchased by the United States, for the purpose of erecting a Light House, be referred to a select committee, consisting of Messrs. Blair, Blackledge, Ward, Eure and Mebane, and be sent to the Senate.

ADJUTANT-GENERAL'S OFFICE, RALEIGH, DEC. 4, 1822.

To his excellency Governor Holmes, commander in chief of the militia of North-Carolina:

SIR—I have the honor to make you my return of the militia of the state exhibiting, in the aggregate, as follows:

Infantry,	- - - - -	53,628
Riflemen,	- - - - -	1,256
Artillery,	- - - - -	219
Cavalry,	- - - - -	940

56,043

Making, in the whole, fifty-six thousand and forty-three, being 16,434 more than was accounted for in the preceding year; and by adding the returns which were made in the preceding year, from regiments from which no returns have been received in the present, would make the total strength of the militia of this state, enrolled, 58,019, shewing an increase over and above this return made from this office in the preceding year 18,402.

The laws in force in relation to the cavalry require some amendment. Men once enrolled in that corps, though the troop in which they have been enrolled may become disorganized, cannot, under the existing laws be enrolled again in the infantry. This defect has, no doubt, been one of the principal causes of the rapid decline of the cavalry of the state. The facility with which they can, in this way, exempt themselves from the performance of militia duty, can scarcely be expected to fail of producing such an effect.

It is also necessary that there should be some amendment to the appointing out the mode of recovering fines of commanding officers of regiments, failing to make returns to the brigadier-generals, and of general-officers failing to review their respective commands. The evidence made the duty of the adjutant-general to furnish, on trial for the recovery of the fines in such cases, has been decided by the judges of the Superior Court to be insufficient; consequently, the prosecutions which have been commenced on such delinquencies have, in every instance, failed.

The laws respecting the mode of collecting and accounting for fines, are

extremely defective, and demand the particular attention of the Legislature.

It is confidently believed that a proper regulation of this part of the militia system, would not only supercede the necessity of any disbursements out of the public treasury, on account of the militia, but would afford the means of accomplishing an important object in the promotion of discipline.

The office of brigade inspector is at present vacant, or nominally so, in every brigade in the state, the duties being too expensive and laborious for any person to accept the appointment without compensation for discharging the duties thereof. The services of this officer are more important, in keeping up a proper organization of the militia, than any other; and I would, therefore, suggest the propriety of annexing to that office such compensation as would make it an object to disciplinarians to undertake the performance of the duties of the appointment.

The observations that I have been led to make upon the mode of appointing officers, have enabled me to judge, with some degree of certainty, as to the unhappy effect which it has, and will continue to produce in the militia. It is daily introducing persons from the ranks, to command over the heads of officers of experience, and equal claims to preferment in every other respect. Hence arises the cause of the resignation of many of the best officers of the state, whose services had been of infinite importance to the militia. Nothing tends more to the disorganization of the militia, and to lessen its respectability, than frequent changing of officers. I have remarked that it is the source from which originate most of the delinquencies of this office. I should, therefore, deem it expedient to adopt an established order of promotion, by seniority in rank. If such a system would not have the effect of affording to the state, in its officers, more talents, it would certainly afford to the state the advantages of more experience.

The public arms of the state are deposited at Edenton, Newbern and Fayetteville. The keeping and preservation of these arms, in so many detached parcels, is attended with much greater expense than their numbers will justify. I would suggest whether it would not be more advisable to have them all deposited in the same place, where it could be made the business of some one person to attend to their preservation, which could be done with as little expense to the state, as is now paid for their keeping at either of the places of deposit.

I shall have the honor of laying before you, in the course of a few days, separate and distinct reports in relation to these arms, and the different species of troops, together with their arms and accoutrements, noticed in the first part of this communication. I have the honor to be, very respectfully, sir, your ob't servant.

BEVERLY DANIEL, Adj. Gen.

The bill directing the time and place of selling lands and slaves under execution, was read the second time. Mr. J. Skinner moved that the bill be postponed indefinitely; and the question thereon was determined in the negative—yeas 53, nays 64. The yeas and nays called for by Mr. Skinner.

Those who voted in the affirmative, are Messrs. Blackledge, J. M. Bryan, Barnard, C. Bell, Barrow, T. Bell, Brodnax, Boykin, Bateman, Blair, Cole, Carter, Cox, J. Cherry, Chancy, Daniel, Dockery, Davenport, Elliott, Edwards, Eure, Fox, Fleming, E. E. Graham, Harrell, Hunt, Hill, Hassell, John Jones, Jiggitts, Jarman, Kilpatrick,

Lewis, Lamb, A. B. McMillan, Matthews, Maxwell, McDaniel, R. Martin, McCauley, Macay, Mann, Pugh, Speight, James Skinner, Stephens, Sidbury, H. Skinner, Shepard, Thornton, Turner, Walton, Wooten, Ward, Webb, Walker, Whitaker, Webster, Vancy—yeas 59.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Burns, Baird, Burgen, Baker, Beall, Baine, Brower, Barringer, Cotten, Cooper, Clark, L. Cherry, Conrad, Carson, Dargan, Dulany, Fisher, Frink, Gary, Gilchrist, J. Graham, Gordon, Graves, Hunter, Hardin, Hoke, Hastings, Horton, Hellen, R. A. Jones, Jeter, Lee, Love, Melvin, McLean, Melchor, Morgan, A. McNeill, McLaurin, Marmon, Mebane, N. McNeill, J. I. McMillan, L. Martin, Moore, Nixon, Ormond, Roberts, W. D. Smith, John Smith, A. Smith, G. Smith, S. Smith, Thompson, Tyson, Underwood, White, Worth, Wilkins, Watson, Williamson—nays 64.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 7, 1822.

On motion, ordered that a message be sent to the Senate, informing that Mr. Jiggitts and Mr. R. A. Jones wait on the Senate as a committee, on the part of this House, to conduct the balloting for Treasurer, Comptroller and Public Printer.

A message from the Senate, proposing to ballot for brigadier general for the 15th brigade immediately. The message was concurred in, and the Senate informed that Mr. Hill and Mr. Macay attend that House as a committee to conduct the balloting on the part of this House.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to amend an act, passed in the year 1818, entitled an act to establish a poor and work house in the county of Camden, and for other purposes; also a bill to amend an act, entitled an act to amend an act, passed in the year 1777, making provision for the poor, and for other purposes; also a bill to restore John Shately, of the county of Wilkes, to credit; also the bill directing the distribution of the Acts of Congress; also a bill to amend an act, passed in the year 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle and hogs, unmarked and unbranded; also a resolution in favor of Thomas Cole; and asking the concurrence of this House.

The resolution in favor of Thomas Cole, was read the first time and passed.

A message from the Senate, informing that Mr. Person and Mr. Wall wait on this House, as a committee on their part, to conduct the balloting for Treasurer, Comptroller and Public Printer.

Mr. Mebane, from the committee on the Judiciary, to whom was referred that part of the report of the Public Treasurer which relates to sums due the state under one hundred dollars, made a report, which was read and concurred in, recommending the passage of a bill on the subject, entitled a bill to provide for the collection of debts due the state, which do not exceed one hundred dollars. The bill reported was read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

A message from the Senate, informing that Mr. Blackwell and Mr. Ralburn attend this House, as a committee on their part, to conduct the balloting for brigadier general for the 15th brigade.

On motion of Mr. Clancy,

Resolved, That the Treasurer pay to Josiah Turner, late sheriff of Orange count-

eight dollars and eighty cents, for forty-four insolvents for the year 1816; twenty dollars and eighty cents, for one hundred and four insolvents for the year 1817; and sixteen dollars, for eighty insolvents for the year 1818; which have not been allowed him in the settlement of his accounts with the Public Treasurer.

Ordered that the said resolution be referred to the committee of Claims.

Mr. Jiggitts, from the committee appointed to conduct the balloting for a Public Treasurer, Comptroller and Public Printer, for the ensuing year, reported that the committee had performed that duty; and that it appeared, on examining the ballots, John Haywood, as Public Treasurer, Joseph Hawkins, as Comptroller, and Thomas Henderson, as Public Printer, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

Mr. Cox presented a bill giving further time to Frederick J. Cox, of Lenoir county, to build a bridge across Neuse river; Mr. White a bill to establish Culpepper Academy, in the county of Anson, and to incorporate the trustees thereof; Mr. Cox a bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse river; And Mr. ——— a bill to exempt teachers and students of private seminaries, for the time being, from the performance of public duties. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. A. McNeill presented the petition of Thomas Brown, praying to be authorised to retail spiritous liquors free from tax. On motion, ordered that the petition be indefinitely postponed.

The bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle and hogs, unmarked and unbranded; also the bill to amend an act, passed in the year 1818, entitled an act to establish a poor and work house in the county of Camden, and for other purposes; also the bill to alter the time of the annual meeting of the General Assembly of this state, were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

The resignation of D. Cuthbertson, justice of the peace for the county of Anson, was presented, read, and accepted.

Ordered that the bill requiring sheriffs to act as coroners in certain cases, be referred to Messrs. Blair, Mann, L. Martin, Mebane, and Speight.

His excellency Gabriel Holmes, in accordance with his message, attended in the Commons Hall, at 12 o'clock this day, both houses being convened for the purpose, and qualified as governor of this state for the ensuing year, by taking and subscribing the several oaths of office, prescribed by law; the oaths being administered by Chief Justice Taylor.

The bill directing the time and place of selling lands and slaves under execution, was read the second time and amended. Mr. Lamb moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 58, nays 62. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. S. A. Bryan, Blackledge, Burns, J. M. Bryan, C. Bell, Barrow, T. Bell, Brodnax, Boykin, Bateman, Blair, Cole, L. Cherry, Carter, Cox, J. Cherry, Clancy, Daniel, Dokery, Davenport, Edwards, Euse, Fox, Gary, R. E. Graham, Harrell, Hunt, Russell, J. Jones, Jarman, Kilpatrick, Lee,

Lamb, A. B. McMillan, Maxwell, Matthews, McDaniel, R. Martin, McCauley Macay, Mann, Pugh, Speight, J. Skinner, Stephens, Sidsbury, H. Skinner, Sheppard, Thornton, Turner, Walton, Wooten, Ward, Webb, Williamson, Walker, Whitaker, Webster—yeas 58.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Baird, Bergen, Baker, Beall, Baine, Brower Barringer, Cotton, Cooper, Clark, Conrad, Carson, Dargan, Dulany, Fisher, Frink, Fleming, Gilchrist, J. Graham, Gordon, Graves, Hunter, Harbin, Hoke, Hastings, Horton, Hellen, Jiggitts, R. A. Jones, Jeter, Love, Melvin, McLean, Melchor, Morgan, A. McNeill, McLaurin, Marmon, Mebane, N. McNeill, J. I. McMillan, L. Martin, Moore, Nixon, Ormond, Roberts, Rea, W. D. Smith, J. Smith, A. Smith, G. Smith, S. Smith, Thompson, Tyson, Underwood, White, Wilkins, Watson, Yancy—nays 62.

The bill thereon was put on its passage, and the question "shall the said bill pass?" was determined in the affirmative.

The resignations of Wm. Martin, brigadier-general of the first brigade; Jonathan Reding, major of the first regiment of the Randolph militia; Jacob Hassell, of Washington county; Stephen Moore, of Chatham county; and Solomon Parsons, of Ashe county, justices of the peace, were read and accepted.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 9, 1822.

Mr. Hill, from the committee appointed to conduct the balloting for brigadier-general for the 15th brigade, reported that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, no person had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The resolution in favor of Thomas Cole, placing him on the pension list, was read the second and third times; and the question "shall the said resolution pass and be enrolled?" was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot this morning for a senator, to represent this state in the Senate of the United States; and informing, that Bartlet Yancy, John Branch and Montfort Stokes, are nominated for the appointment; and further, that Mr. Ward and Mr. Blackledge form a committee, on the part of this House, to conduct the balloting; and proposing that the committee wait on the members confined to their rooms by sickness, and receive their ballots.

A message from the Senate, proposing to ballot immediately for brigadier-general for the 15th brigade; and informing that the name of John Fagan is withdrawn from the nomination. The message was concurred in, and a committee appointed to conduct the balloting on the part of this House, consisting of Mr. Nixon and Mr. Thornton.

A message from the Senate, informing that Mr. McKay and Mr. Jones attend this House, as a committee on their part, to conduct the balloting for senator to represent this state in the Senate of the United States.

The bill authorising the proprietors of Beard's bridge to keep a ferry in certain cases; also the bill to alter the time of holding the courts of Pleas and Quarter Sessions of the county of Person, were read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion, ordered that Mr. Lewis have leave of absence from the service of this House, for this day.

A message from the Senate, informing that Mr. Lindsay and Mr. Le-grand attend this House, as a committee on their part, to conduct the balloting for brigadier-general for the 15th brigade.

A resolution, received from the Senate, directing the Secretary of state to issue to John Massey, or his representatives, a duplicate warrant for two hundred and twenty-eight acres of military land, was read and concurred in.

Mr. Clancy presented a bill to incorporate Franklin Library Society, in the town of Hillsborough; which was read the first time and passed.

The bill to amend an act, entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes; also the bill to restore John Shately, of the county of Wilkes, to credit; also the bill directing the distribution of the acts of Congress, were severally read the first time; and the question "shall the said bills pass?" was determined in affirmative.

Mr. Nixon, from the committee appointed to conduct the balloting for brigadier-general for the 15th brigade, reported that the committee had performed that duty, and that, on examination of the ballots, it appeared William D. Smith had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Ward, from the committee appointed to conduct the balloting for a Senator to represent this state in the Senate of the United State, reported that the committee had performed that duty; and that it appeared, on examination of the ballots, no person in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for a colonel of cavalry, attached to the 8th brigade of militia; and informing that Matthew Young and James Sharp are in nomination for the appointment.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for a Senator to represent this state in the Senate of the United States.

A message from the Senate, by their clerk assistant, consenting to ballot immediately for a Senator to represent this state in the Senate of the United States.

On motion, ordered that a message be sent to the Senate, informing that Mr. Brodnax and Mr. Edward E. Graham attend the Senate, as a committee on the part of this House, to conduct the balloting for Senator to represent this state in the Senate of the United States.

The bill to establish Culpepper Academy, in the county of Anson, and to incorporate the trustees thereof; also the bill giving further time to Frederick J. Cox, of Lenoir county, to build a bridge across Neuse river; also the bill to appoint commissioners to view and lay off a road from the town of Wilkesborough to Mrs. Bogle's, in the county of Iredell; also the bill directing the manner of appointing patrollers in the county of Davidson, were severally read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, informing that Mr. Sumner and Mr. Jones

are appointed superintendants of the balloting for Senator to represent this state in the Senate of the United States.

Mr. Barringer presented a bill to incorporate Western Sun Lodge, No. 72, in the county of Wake; which was read the first time and passed.

On motion of Mr. Burgen,

Resolved, That a select committee be appointed, with instructions to inquire into the expediency of repealing the act of 1815, providing for the appointment of electors to vote for a President and Vice President of the United States, so far as the said act provides for the appointment of said electors by general ticket; and that they also inquire into the expediency of restoring the former mode of electing said electors by districts; and that they have leave to report by bill or otherwise.

The resignations of Philip Alston, of Chatham county, Justice of the Peace, and James Sharp, major of the 5th brigade, 4th division of cavalry, were read and accepted.

On motion of Mr. J. Graham,

Resolved, That the committee on Internal Improvement be instructed to inquire into the propriety and policy of the state granting a charter for the purpose of improving the great travelling road from the Saluda Gap, in the Blue Ridge, through Buncombe, by Asheville, to the Tennessee line, beyond the Warm Springs.

Resolved further, That said committee be instructed to inquire into the expediency of the state becoming interested in one-half of the stock raised, under said charter; and that they report by bill or otherwise.

Mr. E. E. Graham, from the committee appointed to conduct the balloting for a senator to represent this state in the Congress of the U. States, reported that the committee had performed that duty; and that, on examining the ballots, it appeared no person in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

The bill to amend an act, passed in the year 1813, entitled an act to establish a poor and work-house in the county of Camden, and for other purposes, was read the 2d and 3d time; also the bill for the better regulation and discipline of the militia of Ashe county; also the bill to incorporate Shady Grove Academy, in the county of Warren; also the bill supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county; also the bill to alter the time of holding the courts of Pleas and Quarter Sessions of the county of Person, were also read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that they had indefinitely postponed the bill to compel the clerks of the Superior Court of Law and Court of Pleas and Quarter Sessions, of Hyde county, to keep their offices near their Court Houses.

The bill to incorporate Franklin Library Society, in the town of Hillsborough; also the bill to incorporate Western Sun Lodge, No. 72, in the county of Wake; also the bill authorising the proprietors of Beard's bridge to keep a ferry in certain cases; also the bill to divorce John White, of the county of Pasquotank, from his wife Tamar, were severally read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

Ordered that the bill directing the time and place of selling lands and slaves under execution, be the order of the day for to-morrow.

On motion of Mr. A. B. McMillan,

Resolved, by the General Assembly, That the Secretary of State be instructed to issue to James Richardson, two grants by warrants No. 1634 and 1299.

Ordered that the said resolution be referred to Messrs. A. B. McMillan, Burns, Pugh, Brodnax and R. A. Jones.

Mr. Beall, from the committee appointed on the road laws, made a report recommending the passage of the bill, entitled a bill to amend the road laws. The report was concurred in, and the bill reported read the first time and passed.

A message from the Senate, by their clerk assistant, informing that they had passed the bill to regulate the courts of Pleas and Quarter Sessions, in the county of Cabarrus, with sundry amendments, and asking the concurrence of this House. The question to concur with the amendments passed in the negative, and the Senate informed thereof by message.

A message from the Senate, by their clerk assistant, informing that they *insist* on their amendments to the bill to regulate the courts of Pleas and Quarter Sessions in the county of Cabarrus. The question "will this House recede?" was determined in the affirmative, and the Senate informed thereof by message.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 10, 1822.

On motion, ordered, that a message be sent to the Senate, proposing to ballot immediately for Senator to represent this state in the Senate of the United States.

A message from the Senate, consenting to vote immediately for Senator in Congress; and informing that Mr. Troy and Mr. Jones attend this House as superintendants of the balloting on their part.

On motion, ordered, that a message be sent to the Senate, informing that Mr. R. A. Jones and Mr. Hill attend the Senate, as a committee on the part of this House, of the balloting for Senator in Congress.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for major commandant of the Fayetteville corps of artillery, and informing that Mr. Henry W. Ayre is nominated for the appointment.

Mr. Mebane, from the Judiciary Committee, to whom was referred the resolution directing them to inquire whether it is not expedient to abolish the existing laws in this state, authorising imprisonment for debt, made a report, recommending the passage of a bill, reported by him, entitled a bill for the relief of debtors for debts which may be contracted after the first day of January next. The report was concurred in, and the bill reported read the first time, passed, and ordered to be printed.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for lieutenant-colonel and major of cavalry, attached to the 10th brigade and 5th division, and informing that Theodorick T. Burchett, as colonel, and John Zimmerman, as major, are nominated for the appointments.

Mr. Hill, from the committee appointed to conduct the balloting for a Senator to represent this state in the Congress of the United States, reported that the committee had performed that duty, and that it appeared, on examining the ballots, no person in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for Senator in Congress.

Mr. Melvin presented a bill appointing commissioners to extend and mark the dividing line between the counties of Bladen and Cumberland; Mr. Strange, a bill authorising the court of Probate of Cumberland county to fill vacancies which may occur in the office of special Justices in said county, and for other purposes; Mr. Sheppard, a bill to legitimate and alter the names of Robert William Golding and Henry Hartman; Mr. Fisher, a bill to amend an act, passed in the year 1819, entitled an act to give to the courts of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes; also Mr. Fisher, a bill concerning the duty of jailors. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to authorise the trustees of Portsmouth Academy, in Carteret county, to raise, by lottery, one thousand dollars, and a resolution in favor of Thomas Clancy, and asking the concurrence of this House.

The bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse river; also the bill to incorporate the Library Society, in Guilford county, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, proposing to amend the bill to incorporate Golden Fleece Lodge, No. 74, in the town of Milton, and for other purposes. The message was concurred in, and the Senate informed thereof by message.

Mr. Skinner, from the committee of Claims, to whom was referred the resolution directing the treasurer to pay to Josiah Turner, late sheriff of Orange county, certain sums of money for insolvent taxes allowed him for the years 1816, 1817 and 1818, by the court of said county, made a report favorable to the resolution, recommending the passage of a resolution directing the treasurer to pay him a sum equivalent to the tax on two hundred and twenty-eight insolvents. The report was concurred in, and the resolution recommended read the first time, and passed.

Mr. Hellen, from the committee on Military Land Warrants, to whom was referred the petition of the heirs of Joseph Green, deceased; praying for a military land warrant, reported favorably to the prayer of the petition, recommending that the secretary of state issue to the heirs of Joseph Green a military land warrant for 1645 acres of land. The question to concur with the report was determined in the affirmative.

Mr. Hunter presented the petition of Esther Slade, of Guilford county, praying to be secured by law in the enjoyment and exercise of such property as she may hereafter acquire, free from the claim of her husband. Ordered that the petition be referred to the committee of Propositions and Grievances.

Mr. Mebane, from the Judiciary committee, to whom was referred a resolution, instructing them to inquire into the propriety of amending, altering, or repealing the acts of the Assembly now in force, relative to the removal of suits and prosecutions from one county to another, reported that it is inexpedient to make any alteration in the provisions of the existing laws, and praying to be discharged from the further consideration of

the subject. The question to concur with the report was determined in the affirmative.

Mr. Hellen, from the committee on Military Land Warrants, on the petition of John King, praying for a military land warrant, reported unfavorably to the prayer of the petition, recommending its rejection. The question to concur with the report was determined in the affirmative.

Mr. Skinner, from the committee of Propositions and Grievances, to whom was referred the petition of Ransom Hinton, clerk of the Superior Court of Wake county, made a report recommending the passage of a resolution directing the treasurer to pay to him such sums of money as may appear due to him. The question to concur with the report was determined in the affirmative.

The bill to authorise the trustees of Portsmouth Academy, in Carteret county, to raise, by lottery, one thousand dollars, was read the first time and passed.

Mr. L. Martin presented a bill to enable Judith Jernigan, the wife of Ryan O. Jernigan, of Hertford county, to hold and enjoy such property as she may hereafter acquire; which was read, and referred to the committee of Propositions and Grievances.

A bill to repeal part of an act, passed in the year 1812, chapter 828th, section 14th, entitled an act to amend the militia laws of this state, was presented, read, and referred to the Military Committee.

Received from his excellency the Governor, by his private secretary, Mr. Hardin, the following message:

Executive Office, Raleigh, N. C. December 3, 1822.

To the honorable General Assembly of the state of North-Carolina:

GENTLEMEN,—I herewith transmit to your honorable body a letter from Colonel John Patten, the commissioner appointed for the sale of the Cherokee lands, agreeably to the act of the last session of the General Assembly.

Important information will be found in his communication, relative to those lands. And it affords me much satisfaction to state, that the amount of the late sales was more than double the amount of those of the last year, shewing an increase in the importance and value of that territory.

I also transmit to you a letter from several gentlemen of Blount county, in the state of Tennessee, soliciting the co-operation of this state in opening a turnpike road from Maryville, in Tennessee, to the mouth of the Tuckasagee river, in our Cherokee country.

I have the honor to be, with the highest respect, your obedient servant,
GABRIEL HOLMES.

On motion, ordered that so much of said message as relates to the Cherokee lands, be referred to the committee on that subject; and that so much as relates to opening a turnpike road, be referred to the committee on Internal Improvement.

The House proceeded to the orders of the day, and took up the bill to amend an act, passed in 1810, entitled an act to amend an act, entitled an additional act to an act, entitled an act *seme* covertly how to pass lands; which being read, and the question recurring on Mr. L. Martin's motion to amend the said bill by striking out the words "may have been or," in the first section, and debate arising thereon, the House, on motion of Mr. Sheppard, adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 11, 1822.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for one Commissioner of Internal Improvement, to supply the vacancy in the Board, occasioned by the resignation of William Cowan, and informing that Major John Owen is nominated for the appointment; and proposing, further, to ballot to-morrow morning for a Major General for the second division of the militia; and informing that Jas. McKay is nominated for the appointment; and also proposing to ballot for Counsellors of State for the ensuing year.

A message from the Senate, by their clerk assistant, proposing to ballot immediately for a Senator to represent this state in the Senate of the United States. The message was concurred in, and a committee appointed to conduct the balloting, consisting of Mr. Gary and Mr. Burgen.

On motion,

Resolved, That the committee on Education be, and they are hereby instructed to inquire into the expediency of appropriating the sum raised in each of the towns of this state by taxes on sales at auction, to increase the funds of such seminaries of learning as may exist in such towns severally; and that they report by bill or otherwise.

A message from the Senate, informing that Mr. Person and Mr. Glisson attend this House, as a committee, to superintend the balloting for Senator to represent this state in Congress, on their part.

Mr. Stephens presented a bill to amend an act, passed in 1821, entitled an act respecting the Courts of Pleas and Quarter Sessions in the county of Columbus; Mr. Cherry a bill to incorporate Sharon Lodge, No. 78, in Pitt county; Mr. J. White a bill granting further time to perfect titles to lands within this state; and Mr. S. A. Bryan a bill to enable Mary Neill, wife of Henry Neill, of Bertie county, to hold and enjoy such property as she may hereafter acquire. These bills were severally read—the three former passed for their first reading, and the latter referred to the committee of Propositions and Grievances.

On motion of Mr. L. Martin,

Resolved, That the door-keepers be, and they are hereby instructed to prepare suitable curtains for the railings of the gallery in the House of Commons.

Mr. R. A. Jones presented the petition of John Baker, praying for a military land warrant; and Mr. Cotten presented the petition of John Boyd, praying for a military land warrant. Ordered that the petitions be referred to the committee on Military Land Warrants.

The bill to appoint commissioners to view and lay off a road from the town of Wilkesborough to Mrs. Bogle's, in Iredell county, was read the third time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Gary, from the committee appointed to superintend the balloting for Senator to represent this state in the Senate of the United States, reported that the committee had performed that duty, and that it appeared, on counting the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for a Senator to represent this state in the Senate of the United States.

Mr. Hellen, from the committee on Military Land Warrants, to whom

was referred the petition of Samuel Carpenter, praying for a military land warrant, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report was determined in the affirmative.

Mr. Blackledge, from the committee to whom was referred the bill, declaring what hoghead and barrel staves shall be merchantable, made a report recommending that the whole of the bill, except the words "a bill," be stricken out, and the amendment which he presented be substituted in lieu thereof. The amendment being read and concurred in, the bill, as amended, was read the second time and passed.

The House proceeded to the orders of the day, and took up the bill to amend an act, passed in the year 1810, entitled an act to amend an act, entitled an additional act to an act entitled Feme Coverts how to pass lands, and the question recurring on Mr. L. Martin's amendment, the question thereon was determined in the affirmative—yeas 79, nays 49. The yeas and nays called for by M. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Alford, S. A. Bryan, J. M. Bryan, Barnard, C. Bell, Baker, Barrow, T. Bell, Bateman, Blair, Cole, Cotten, Cooper, L. Cherry, Carter, Cox, Conrad, J. Cherry, Clancy, Daniel, Dulany, Davenport, Elliott, Edwards, Eure, Frink, Fox, Gary, Gilchrist, E. E. Graham, Hurrell, Hassell, Hastings, Hellen, Henry, J. Jones, Jiggitts, R. A. Jones, Jarman, Jeter, Kilpatrick, Lewis, Lee, Love, Lamb, Lamon, Melvin, Maxwell, Morgan, Matthews, M'Daniel, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Nixon, Ormond, Pugh, W. Smith, John Smith, James Skinner, Sidbury, Sneed, H. Skinner, S. Smith, Thornton, Turner, White, Walton, Wilkins, Watson, Ward, Webb, Williamson, Walker, Whitaker, Webster—yeas 79.

Those who voted in the negative, are Messrs. Anderson, Blackledge, Burns, Baird, Burgen, Beall, Baine, Brodnax, Brower, Boykin, Barringer, Clark, Carson, Dargan, Dockery, Fisher, Fleming, J. Graham, Gordon, Graves, Hunt, Hunter, Harbin, Hoke, Hill, Horton, A. B. McMillan, McLean, Melchor, A. McNeill, McLaurin, R. Martin, Marmon, Mebane, McCauley, Moore, Roberts, Rea, A. Smith, Stephens, C. Smith, Sheppard, Strange, Thompson, Tyson, Underwood, Worth, Wooten, Yancy—nays 49.

The bill was then put on its passage, and the question "shall the said bill pass?" was determined in the affirmative.

The bill concerning the duty of jailors was read the second time and amended. Mr. Lamb moved that the further consideration of the bill be postponed indefinitely, and called for the yeas and nays. Mr. Anderson moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon passed in the affirmative, and the House accordingly adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 12, 1822.

Mr. Mebane, from the committee on the Judiciary, to whom was referred the resolution directing them to inquire into the expediency of enforcing farther restrictions upon the emigration of free persons of colour into this state, made a report recommending the passage of a bill accompanying the report, entitled a bill to amend the third section of an act, passed in the year 1795, chapter 444. The report was concurred in, and the bill recommended read the first time and passed.

On motion of Mr. Brower,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the attachment law, so as to make the money in the hands of the clerks of Courts of Pleas and Quarter Sessions, clerks of the Su-

perior Courts, and clerks and masters in Equity, executors and administrators, sheriffs and constables, liable to the discharge of debts due creditors; and that they report by bill or otherwise.

Mr. Ormond presented a bill to incorporate Durham's Creek Academy, in the county of Beaufort; Mr. Speight, a bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the years therein mentioned; Mr. Lewis, a bill making compensation to the Jurors of the Superior and County Courts of Franklin; Mr. Gilchrist, a bill making the officials of the Secretary evidence in certain cases. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

Received from the Senate the report of the Board for Internal Improvement, accompanied by sundry reports on the various rivers and roads, by the civil engineer; accompanied, also, by a message proposing to have the report, together with the reports of the civil engineer, printed, under the direction of the Board of Internal Improvement; four copies for each member of the General Assembly. The message was concurred in, and the report referred to the committee on Internal Improvement.

A message from the Senate, proposing to ballot immediately for Senator to represent this state in the Senate of the United States. The message was concurred in, and a committee, consisting of Mr. Love and Mr. Speight, appointed to superintend the balloting.

A message from the Senate, agreeing to ballot immediately for one commissioner of internal improvement, to fill the vacancy in the board, by the resignation of William Cowan; and agreeing to ballot, also, for major general for the 2d division of the militia; and informing that the name of Benjamin H. Covington is added to the nomination.

A message from the Senate, by their clerk assistant, informing that they had passed a bill, authorising courts of Pleas and Quarter Sessions to take one bond only of a guardian to two or more minors, holding property in common; also a resolution in favor of Joseph McGee, of Moore county; and asking the concurrence of this House.

A message from the Senate, informing that Mr. Person and Mr. Shober attend this House, as a committee on their part, to superintend the balloting for Senator to represent this state in the Senate of the United States.

A message to the Senate, informing that Mr. R. A. Jones and Mr. Hill form a committee, on the part of this House, to conduct the balloting for one commissioner of internal improvement; and informing, further, that the name of James M. Nixon is added to the nomination.

A message from the Senate, informing that Mr. Sumner and Mr. McKay are appointed to superintend the balloting for one commissioner of internal improvement on their part. On motion of Mr. Martin, the name of James M. Nixon was withdrawn from the nomination for commissioner.

A message to the Senate, informing that Mr. Macay and Mr. McLean attend the Senate, as a committee on the part of this House, to superintend the balloting for major-general for the 2d division.

A message from the Senate, informing that Mr. Vanhook and Mr. Sneed attend this House, as a committee on their part, to conduct the balloting for a major-general of the 2d division of the militia.

The bill authorising the courts of Pleas and Quarter Sessions to take one bond only of a guardian to two or more minors, holding property in

common, was read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Speight, from the committee appointed to conduct the balloting for a Senator to represent this state in the Senate of the United State, reported that the committee had performed that duty; and that, on examining the ballots, it appeared neither of the persons in nomination had a majority of the whole number. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot again for Senator to represent this state in the Senate of the United States.

Mr. Hill, from the committee appointed to superintend the balloting for one commissioner of internal improvement, reported that the committee had performed that duty; and that, on examining the ballots, it appeared that a majority of the whole number was in favor of John Owen, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill concerning the duty of jailors; in which the House was engaged at its adjournment last evening, being called up, and Mr. Lamb withdrawing his motion for the indefinite postponement of the said bill, on motion of Mr. Fisher, ordered that the said bill be referred to Messrs. Fisher, Lamb, Moore, Graves and Mebane.

Mr. Macay, from the committee appointed to conduct the balloting for major-general for the 2d division of the militia, reported that the committee had performed the duty assigned them; and that, on examining the ballots, it appeared that James McKay had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, proposing to ballot, at the meeting of the two Houses to-morrow morning, for counsellors of state for the ensuing year. The message was concurred in, and the Senate informed thereof by message; and that Theophilus Lacy, Allen Rogers, William Davidson, Thomas Wynns, Gideon Alston, William Blackledge, Benjamin Robinson and David Gelliespie are nominated for the appointment.

Mr. C. Bell presented a bill to amend an act, to prevent the obstruction of the navigation of Currituck Inlet, passed in the year 1798; Mr. Bardingier presented a bill concerning the appointment of guardians by the Superior Courts of Law and Equity; and Mr. Gilchrist a bill concerning the duty and compensation of county trustees. These bills were read—the former passed its first reading, the two latter referred to the committee on the Judiciary.

The bill declaring what hog-head and barrel staves shall be merchantable, was read the third time, amended, and, on motion, ordered to be made the order of the day for to-morrow.

The resolution in favor of Joseph McGee, of Moore county, was read and concurred in.

The bill to amend an act, passed in the year 1821, entitled an act respecting the courts of Pleas and Quarter Sessions of Columbus county, was read the second time; and the bill directing the time and place of selling lands and slaves under execution, was read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

The resignations of Samuel Chann, colonel commandant of the 9th regiment, attached to the 15th brigade and 5th division of the militia; and Thomas V. Hargis, justice of the peace for the county of Person, were read and accepted.

A message from the Senate, by their clerk assistant, informing of the disagreement of that House to the proposition to ballot immediately for a Senator in Congress.

The bill to repeal the 15th section of an act, passed in the year 1818, entitled an act supplemental to an act concerning the Supreme Court, and also an act, passed in the year 1821, entitled an act to amend an act concerning the Supreme Court, was read the second time, amended and put on its passage. The question "shall the said bill pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, agreeing to ballot for a colonel of cavalry, attached to the 8th brigade of the militia.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 13, 1822.

On motion, ordered that a message be sent to the Senate, informing that Mr. Watson and Mr. Cox wait on the Senate, as a committee to conduct the balloting, on the part of this House, for a colonel of cavalry attached to the 8th brigade of the militia.

A message from the Senate, informing that Mr. Blackwell and Mr. Richardson attend this House as a committee, on their part, to superintend the balloting for colonel of cavalry, attached to the 8th brigade of the militia.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for a Senator to represent this state in the Senate of the United States.

Mr. Mebane, from the committee on the Judiciary, to whom was referred a resolution directing them to inquire into the expediency of altering or amending the laws relative to vagrants, gamblers and drunkards, &c. reported that the committee had had the subject under consideration, and had directed him to report a bill to amend an act, entitled an act to empower the County Courts in this state to provide for the safe keeping of the estates of idiots and lunatics, and to recommend that it be passed into a law.

The report was concurred in, and the bill recommended read the first time and passed. On motion, ordered that the said bill be printed.

Mr. Cox, from the committee appointed to conduct the balloting for colonel of cavalry, attached to the 8th brigade, reported that the committee had performed that duty; and that, on counting the ballots, a majority of the whole number was found to be in favor of Matthew Young, who was duly elected. The question to concur with the report was determined in the affirmative.

A message from the Senate, by their clerk assistant, disagreeing with the proposition of this House to ballot immediately for Senator to represent this state in the Senate of the United States.

Mr. Fisher presented the petition of Henry Allemong, praying to be paid his expenses incurred in removing a prisoner from Mecklenburg to Rowan, under an order of the Superior Court of Mecklenburg. Ordered

that the petition be referred to the committee of Propositions and Grievances.

A message from the Senate, by their clerk assistant, informing that the Senate had passed a bill to amend an act, passed in the year 1807, entitled an act to regulate the charges of sheriffs, coroners, constables, and other officers, in certain cases, and asking the concurrence of this House.

The bill to repeal the 13th section of an act, passed in the year 1813, entitled an act supplemental to an act concerning the Supreme Court; and also an act, passed in the year 1821, entitled an act to amend an act concerning the Supreme Court, was read the third time and amended; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Barringer presented the memorial of the citizens of the city of Raleigh, praying that the meeting of the Assembly on Monday, be altered to some other day of the week. Ordered that the memorial be referred to the committee of Propositions and Grievances, with power to report by bill or otherwise.

Mr. Boykin presented the petition of sundry inhabitants of New-Hanover county, praying to be added to the county of Sampson. Ordered that the petition be referred to the committee of Propositions and Grievances.

The bill granting further time to perfect titles to lands within this state, was read the second time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Jones presented a bill to alter the mode of appointing constables in the county of Camden; which was read the first time and rejected.

Mr. Blair, from the special committee to whom was referred that part of the Governor's Message which relates to the application of the agent of the United States for a cession of jurisdiction by this state to the United States, over a certain tract of territory, situated on Ocracock Island, for the purpose of erecting a Light House thereon, reported that the committee had had the subject under consideration, and directed him to report a bill to carry into effect the object, entitled a bill ceding the jurisdiction of North-Carolina over a certain part of Ocracock Island to the United States, and recommend that it be passed into a Law. The report was concurred in, and the bill reported read the first, second and third times; and the question "shall the said bill pass its several readings?" was determined in the affirmative.

The bill to provide for the collection of debts due the state, which do not exceed one hundred dollars, was read the second and third times; and the question "shall the said bill pass its second and third readings?" was determined in the affirmative.

The bill to amend an act, passed in the year 1819, entitled an act to give to the courts of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes, was read the second time and amended. The question "shall the said bill pass?" was determined in the affirmative.

The bill to amend and extend an act, passed in the year 1806, entitled an act for the more convenient administration of Justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may, so accumulate, that they cannot be tried at the regular terms of those courts, was read the second time. Mr. Lamb moved that the further consideration of the said bill be post-

poned indefinitely. The question thereon was determined in the negative—yeas 30, nays 94. Yeas and Nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Baker, Beall, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Edwards, Harbin, Hastings, Hellen, Jarman, Kilpatrick, Lee, Lamb, Maxwell, M'Daniel, Pugh, A. Smith, Speight, S. Skinner, Sidbury, H. Skinner, S. Smith, Wooten, Wilkins, Webster, Yancy—yeas 30.

Those who voted in the negative, are Messrs. Anderson, Alford, S. A. Bryan, Burns, J. M. Bryan, Baird, Burgen, Barnard, C. Bell, Brickell, Barrow, T. Bell, Brodnax, Boykin, Barringer, Blair, Cole, Cotton, Clark, Conrad, Carson, Clancy, Dargan, Dulany, Davenport, Elliott, Eure, Fisher, Frink, Fox, Fleming, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Hunter, Hoke, Hill, Hassell, Horton, Henry, J. Jones, Jiggitts, R. A. Jones, Jeter, Lewis, Love, Lamon, Melvin, A. B. McMillan, M'Lean, Melchor, Morgan, Matthews, A. McNeill, M'Laurin, R. Martin, Mannon, Mebane, M'Cauley, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Moore, Nixon, Ormond, Roberts, Rea, W. D. Smith, J. Smith, Stephens, G. Smith, Sneed, Sheppard, Strange, Thompson, Thornton, Turner, Tyson, Underwood, White, Walton, Worth, Watson, Ward, Webb, Williamson, Walker, Whitaker—nays 94.

The bill thereupon was put on its passage, and the question "shall the said bill pass?" was determined in the affirmative.

The bill to alter the time of the annual meeting of the General Assembly of this state, was read the second time. Mr. Pugh moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 82, nays 42. The yeas and nays called for by Mr. Speight.

Those who voted in the affirmative are Messrs. Adams, Anderson, S. A. Bryan, Burns, J. M. Bryan, Baird, M. Baker, Barrow, Brodnax, Brower, Boykin, Blair, Cole, Cotten, Cooper, Clark, L. Cherry, Carter, Cox, Conrad, Dargan, Elliott, Edwards, Fox, Fleming, Gary, Gilchrist, J. Graham, Gordon, Harrell, Hunter, Harbin, Horton, Henry, J. Jones, Jiggitts, R. A. Jones, Jarman, Jeter, Kilpatrick, Lewis, Lee, Love, Lamon, Melvin, M'Lean, Maxwell, Morgan, Matthews, M'Daniel, A. McNeill, M'Laurin, R. Martin, Mannon, Macay, N. McNeill, J. I. McMillan, Mann, Moore, Ormond, Pugh, J. Smith, A. Smith, Speight, J. Skinner, Stephens, Sidbury, G. Smith, Sheppard, S. Smith, Thompson, Turner, Tyson, White, Walton, Wilkins, Watson, Ward, Webb, Williamson, Walker, Webster—yeas 82.

Those who voted in the negative, are Messrs. Alford, Burgen, C. Bell, Brickell, Beall, Baine, T. Bell, Barringer, Bateman, J. Cherry, Carson, Clancy, Daniel, Dulany, Davenport, Eure, Fisher, Frink, Graves, Hunt, Hoke, Hill, Hassell, Hastings, Hellen, Lamb, Melchor, Mebane, M'Cauley, L. Martin, Nixon, Roberts, Rea, W. D. Smith, Sneed, H. Skinner, Thornton, Underwood, Worth, Wooten, Whitaker, Yancy—nays 42.

Received from his excellency the Governor, by his private secretary, Mr. Hardin, the following message:

EXECUTIVE OFFICE, DECEMBER 13th, 1822.

To the honorable the General Assembly of the state of North-Carolina:

GENTLEMEN—I have the honor to lay before you a letter from general Joseph H. Bryan, covering one addressed to him by colonel George Washington Sevier, of Tennessee, respecting a pair of pistols, which, together with a sword, were voted by the Legislature of North-Carolina to his father, colonel John Sevier, for his gallant conduct at the battle of King's Mountain. The sword has already been presented, but the pistols have not.

The honorable pride which the son of that patriot of the revolution has to possess this testimony of the gratitude of North-Carolina, for the services of his father, gives me much pleasure in respectfully submitting the subject to your consideration.

I take the liberty, at the same time, to lay before you several documents which relate to a claim on the state of General John Roberts, of Carteret county. Owing to the length of time during which this claim has been pending, and to circumstances which have been recently under the view of the General Assembly, I forbear to act upon it myself, and beg leave to submit it to your consideration.

With the highest respect, gentlemen, your ob't. servant,

GABRIEL HOLMES.

On motion of Mr. Mebane, resolved, that so much of the foregoing message as relates to the pistols voted to Colonel Sevier, be referred to the committee on Military Affairs; and so much thereof as relates to the claims of General Roberts, be referred to the committee of claims.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 14, 1822.

On motion of Mr. Eure, ordered that a message be sent to the Senate, proposing to ballot this morning for a Senator to represent this state in the Senate of the United States.

On motion, ordered that Mr. Bateman have leave to withdraw the bill to alter the time of holding the election for Electors to vote for President and Vice-President of the United States.

Mr. Barringer presented a bill to authorise Thomas Cobbs, of Wake county, to erect a bridge across Neuse river; and Mr. Cox presented a bill to prevent negro tradesmen, who act for themselves, and keep their own accounts, from trading with other slaves. These bills were read the first time and passed.

Mr. Moore, from the committee to whom was referred the memorial of the inhabitants of the town of Wilmington, on the subject of the navigation of the river from that place to the Bar, reported that the committee had had the subject under consideration, and directed him to report a bill on the subject, entitled a bill to improve the navigation of Cape-Fear river below Wilmington. The report was concurred in, and the bill recommended read the first time and passed.

Mr. A. B. McMillan, from the committee to whom was referred the resolution, directing the Secretary of State to issue to James Richardson, of Ashe county, two grants for lands by warrants 1634 and 1299, reported that the committee had examined the case, and directed him to report that it was expedient and just to pass the said resolution. The report was concurred in.

Mr. Hellen, from the committee on Military Land Warrants, made reports on the petitions of John Willey and Mason King, unfavorable to the prayers of the petitions, recommending their rejection. The question to concur with the reports passed in the affirmative.

A message from the Senate, by their clerk assistant, consenting to ballot immediately for Senator to represent this state in the Senate of the United States; and informing that the name of Bartlett Yancy is withdrawn from the nomination.

On motion, ordered that a message be sent to the Senate, informing that Mr. Williamson and Mr. Graves form the committee to conduct the balloting for Senator in Congress on the part of this House.

Mr. Hellen, from the committee on Military Land Warrants, to whom

was referred the petition of A. M. Hooper and Mary Flening, praying for a military land warrant, made a report favorable to the petition, recommending the passage of a resolution accompanying the report, directing the Secretary of State to issue to the heirs at law of Jerome McLaine a military land warrant for 3,840 acres of land.

Mr. Hellen, from the same committee, reported favorably on the petition of Josiah Newell, recommending the passage of a resolution accompanying the report, directing the Secretary of State to issue to him a military land warrant for 182 acres of land. The question to concur with the reports was determined in the affirmative.

A message from the Senate, informing that Mr. George and Mr. Sneed form a committee, on their part, to conduct the balloting for Senator in Congress.

A message from the Senate, by their clerk assistant, informing that the Senate had passed a bill, to appoint commissioners to contract with Jeremiah Land, for land to erect a town upon, and for other purposes; and also a resolution appointing the Treasurer, Secretary and Comptroller a board; and asking the concurrence of this House.

The bill to amend an act, passed in the year 1807, entitled an act to regulate the charges of sheriffs, coroners, constables and other officers, in certain cases. The bill was read the first time; and the question "shall the said bill pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, proposing that the committee appointed to conduct the balloting for a Senator in Congress, be directed to wait on the members sick in their rooms, and receive their ballots. The message was concurred in, and the Senate informed thereof by message.

The resolution in favor of Thomas Clancy was read the first time and passed.

The Speaker laid before the House the following letter:

SIR—I have the honor herewith to transmit to you a manuscript book, containing the records of the court of Chancery, held by the Lord Proprietors' Deputies, between the years 1712 and 1728; also the Probate and Registry of Wills for sundry counties in this state, between the years 1749 and 1753. It was lately the property of Marcus C. Stephens, Esq. of Newbern. At his request and in his name, I beg to present it to the Legislature.

Very respectfully yours,

THOMAS P. DEVEREUX.

Honorable JOHN D. JONES, Speaker.

Ordered that the letter be referred to the Library Committee, and sent to the Senate.

Mr. Williamson, from the committee appointed to superintend the balloting for a Senator to represent this state in the Senate of the United States, reported that the committee had performed that duty; and that, on counting the ballots, a majority of the whole number was found in favor of John Brunch, who was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Worth, from the committee to whom was referred the resolution to inquire into the expediency of passing an act to prevent slaves from attending general musters and elections, reported that the committee had had the subject under consideration, and directed him to report that it is

inexpedient to pass an act to prevent slaves from attending general musters and elections. The question to concur with the report was determined in the affirmative.

Mr. Mebane, from the committee on the Cherokee lands, to whom was referred that part of the Governor's message, as relates to the reservations of lands which certain Cherokee Indians, or heads of Indian families, have, under the provisions of treaties concluded at the Cherokee agency, on the 8th day of July, 1817, and at Washington City, on the 27th of February, 1819, within the limits of the state of North-Carolina; and also a resolution directing them to inquire into the propriety of applying to the Congress of the United States, to extinguish said claim, made a report thereon, directing the passage of a resolution directing our Senators in Congress, and requesting our Representatives, to use their influence to effect the extinguishment of said claims, in such a manner as they may find most conducive to the interests of this state; and that his Excellency the Governor be requested to transmit to each of them a copy of this report and resolution. The question to concur with the report and resolution passed in the affirmative.

The resolution appointing the Treasurer, Secretary of State and Comptroller a board to settle the claims of the militia of Onslow, Bladen and Jones counties, called out to suppress an insurrection of the negroes in the year 1821, was read the first time. Mr. Hellen moved that the further consideration of the resolution be postponed indefinitely. The question thereon passed in the affirmative, yeas 88—nays 31. The yeas and nays called for by Mr. Hoke.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Burns, J. M. Bryan, Burchen, Barnard, Brickell, M. Baker, Beall, Baine, Barrow, T. Bell, Brower, Barringer, Bateman, Cotten, Cooper, Clark, L. Cherry, Carter, Conrad, J. Cherry, Carson, Dargan, Daniel, Deekery, Davenport, Edwards, Gary, J. Graham, Gordon, Harrell, Hunter, Harbin, Hoke, Hill, Hassell, Hastings, Horton, Hellen, J. Jones, R. A. Jones, Jeter, Lewis, Lee, Love, Lamb, A. B. McMillan, McLean, Melchor, Maxwell, Morgan, Matthews, A. McNeill, McLaurin, R. Martin, Marmon, Mebane, N. McNeill, L. Martin, Nixon, Pugh, Roberts, Rea, W. D. Smith, John Smith, A. Smith, Speight, James Skinner, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, S. Smith, Thompson, Tyson, Underwood, White, Walton, Worth, Wooten, Wilkins, Watson, Webb, Whitaker, Webster, Yancy—yeas 88.

Those who voted in the negative, are Messrs. Alford, Blackledge, Brodnax, Boykin, Cole, Cox, Clancy, Dalany, Eure, Frink, Fox, Fleming, Gilchrist, E. E. Graham, Hunt, Henry, Jiggitts, Jarman, Kilpatrick, Lamon, Melvin, M'Daniel, McCaulley, Mann, Ormond, Sheppard, Strange, Thornton, Turner, Ward, Walker—nays 31.

On motion of Mr. Lamon, ordered that a message be sent to the Senate, proposing to appoint field officers and justices of the peace on Wednesday evening next.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 16, 1822.

Mr. Strange presented the petition of the Cape-Fear Steam Boat Company, praying to be incorporated. Ordered that the petition be referred to Messrs. Strange, Ward, Beall, Cole and Eure.

Mr. S. A. Bryan presented the petition of sundry inhabitants of Bertie county, praying for the passage of a law to prevent persons from hauling seines in Salmon creek, in said county. Ordered that the said petition be referred to the committee of Propositions and Grievances.

Mr. Mebane presented the petitions of the heirs of John Rea, deceased, and John Ray, praying that the Secretary of State be directed to issue warrants for entries of lands made in the late office for western lands, kept by John Armstrong. Ordered that the petitions be referred to Messrs. Mebane, Burns, Pugh, Bateman and Boykin.

Mr. Mebane presented the following resolution:

Whereas, divers cases remain upon the muster roll of the continental line of this state, where military warrants have not been applied for by those fairly entitled to receive them;

Resolved, That the Secretary of State be, and he is hereby directed to issue to the Trustees of the University of North-Carolina military land warrants, in every case founded on the muster roll of the continental line of this state, for such quantities of land as the soldiers themselves, or their representatives, would be, or are now, justly entitled to, where warrants have not heretofore been issued; and the said Trustees and their assigns shall hold the lands which may be granted by virtue of said warrants in trust for those legally entitled to the same.

The question to concur with the resolution was determined in the affirmative.

Mr. Lamb presented a bill to increase the power of the Supreme Court in particular cases, and to more essentially promote the administration of justice; Mr. Brickell a bill to alter the times of holding the Superior Courts of Law and Equity in the first judicial circuit in this state; Mr. Lewis a bill to amend an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick; Mr. Gary a bill to amend an act, passed in the year 1819, entitled an act to prevent fraudulent trading with slaves; Mr. S. A. Bryan a bill for the better regulation of appeals from the decisions of justices of the peace; Mr. White a bill to establish Meltonsville Academy, in the county of Anson, and to incorporate the trustees thereof; and Mr. Mebane, from the committee on the Cherokee lands, reported a bill to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to repeal, in part, an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads hereafter in the counties of Rockingham, Lincoln, Columbus and Burke; also a resolution in favor of the heirs at law of James Greene, deceased, and asking the concurrence of this House.

Mr. Hellen presented the petition of Wilson Sanderline, attorney in fact for the legal heirs of John Jarvis, a captain in the war of the revolution; also the petition of Richard Tucker, a soldier in the said war, praying for military land warrants. Ordered that the said petitions be referred to the committee on Military Land Warrants.

Mr. Sneed presented the following resolution:

Resolved, That John Barnett, sheriff of Person county, be allowed the sum of fourteen dollars and sixty cents, for seventy-eight insolvents in said county; and that the Treasurer pay the same.

Ordered that the resolution be referred to the committee of Claims.

On motion of Mr. Strange, resolved, that Mr. Strange, Mr. Mebane, Mr. Henry, Mr. E. E. Graham and Mr. Blair be a committee to inquire

into the expediency of altering the laws relative to the inspection of flour and tobacco.

A message from the Senate, proposing to ballot immediately for a Commissioner of Internal Improvement, to supply the vacancy in the Board, occasioned by the resignation of Isaac T. Avery, and informing that Robert Williamson is nominated for the appointment. The message was concurred in; and the Senate informed by message that Mr. John Cherry and Mr. Rea form a committee, on the part of this House, to conduct the balloting.

A message from the Senate, by their clerk assistant, informing that they had passed a resolution, instructing our Senators and requesting our Representatives in Congress relative to the extinguishment of the claims of the Cherokee Indians to certain lands, and asking the concurrence of this House.

A message from the Senate, informing that Mr. Flowers and Mr. Greene wait on this House, as a committee on their part, to conduct the balloting for a Commissioner of Internal Improvement.

Mr. Sneed presented the following resolution:

Resolved, That the Treasurer be directed to pay to Samuel Dickens, late sheriff of Person county, the sum of twenty five dollars and forty cents, for one hundred and twenty-seven insolvents in said county.

Ordered that the said resolution be referred to the committee of Claims.

The resignation of Thomas Brickell, colonel-commandant of the regiment of infantry, in the county of Bertie, was read and accepted.

The bill to repeal part of an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads, hereafter, in the counties of Lincoln, Columbus, Burke, and Rockingham; also the bill to appoint commissioners to contract with Jeremiah Land, for twenty acres of land to erect a town upon, and for other purposes, were read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill directing the distribution of the acts of Congress, was read the second time; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Fisher, from the special committee to whom was referred the bill concerning the duty of Jailors, made a report recommending that the bill be amended, by striking out the whole, except the words "a bill," and inserting in lieu thereof an amendment, which being read and concurred in, and the title amended to read "a bill concerning jails," the said bill, as amended, was put on its passage, and the question "shall the said bill pass its second reading?" was determined in the affirmative.

On motion, ordered that the bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the years therein mentioned, be referred to Messrs. Speight, Barringer, Strange, Sneed and Dulaay.

The bill declaring the effect of deeds and conveyances in trust, and to prevent fraud and unnecessary litigation, was, on motion, made the order of the day for Friday next, and ordered to be printed.

Mr. Rea, from the committee appointed to conduct the balloting for a Commissioner for Internal Improvement, reported that the committee had

performed the duty assigned to them, and that, on counting the ballots, a majority of the whole number was found to be in favor of Robert Williamson, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill to amend the road laws; also the bill to amend an act, entitled an act to amend an act, passed in the year 1777, making provision for the poor, and other purposes; also the bill to exempt teachers and students of private seminaries, for the time being, from the performance of public duties. These bills were severally read the second time, and, on motion, postponed indefinitely.

Mr. Clancy presented a bill to amend the first section of an act, passed in the year 1816, entitled an act to compel retailers of spiritous liquors, by the small measure, to take a licence from the County Court, and for other purposes; which was read the first time, and, on motion, postponed indefinitely.

A message from the Senate, by their clerk assistant, proposing to appoint a joint select committee, to inquire into the administration of the banks of this state, with particular instructions to ascertain, if practicable, whether they, or either of them, have directly or indirectly exacted more than six per centum per annum for their discounts; and whether they have, in good faith, complied with the terms of their charters, by paying specie for their notes when presented for payment; and that they have leave to send for persons and papers, and to report by bill or otherwise; and informing that Messrs. Branch, Williamson, Seawell, Miller and Outlaw form the committee on the part of that House. The message was concurred in, and a committee appointed to join the committee appointed by the Senate, consisting of Messrs. Henry, Moore, Fisher, Strange and J. Graham.

The bill granting further time to perfect titles to land within this state; also the bill to amend an act, passed in the year 1819, entitled an act to give to the Courts of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes, were read the third time, and the latter amended; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the petitions of Judith Jernigan, wife of Ryan O. Jernigan, and Esther Slade, wife of John Slade, made reports favorable to the prayers of the petitions. The question to concur with the reports was determined in the negative.

Received from the Senate, a resolution instructing our Senators in Congress, and requesting our Representatives, to use their best endeavors to obtain from the General Government the adoption of such measures as are best calculated to effect the complete extinguishment of the claims of the Cherokee Indians to all their lands lying within the limits of this state. Resolved further, that the Governor of this state be, and he is hereby requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives of this state in the Congress of the United States. The question to concur with said resolutions was determined in the affirmative.

Mr. Hellen, from the committee on Military Warrants, to whom was referred the petitions of the heirs of Joel Martiu, John Baker, and the

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heirs of William Baker, made reports favorable to the prayers of the petitions, recommending the passage of resolutions, directing the Secretary of State to issue to the heirs of Joel Martin a military warrant for 640 acres of land, to John Baker a military warrant for 273 acres of land, and to the heirs at law of William Baker a military land warrant for 273 acres of land. The question to concur with the several reports passed in the affirmative.

The bill to amend an act, passed in the year 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle and hogs, unmarked and unbranded, was read the second time; and the question "shall the said bill pass?" was determined in the affirmative.

The resolution received from the Senate, in favor of the heirs at law of James Greene, deceased, was read and concurred with.

The Senate having concurred in the several amendments made by this House, in the bill to amend an act, passed in the year 1810, entitled an act to amend an act entitled an additional act to an act entitled Feme Coverts how to pass lands; the bill thereupon was read the third time and passed.

The bill to amend and extend an act, passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law, and Courts of Equity have, or may so accumulate that they cannot be tried at the regular terms of those courts, was read the third time. Mr. Lamb moved that the further consideration of the said bill be postponed indefinitely. The question thereon was determined in the negative—yeas 57, nays 83. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Baker, Beall, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Davenport, Elliott, Edwards, Fleming, Harbin, Hassell, Hastings, Hellen, Jarman, Kilpatrick, Lee, Lamb, Maxwell, M'Daniel, Pugh, A. Smith, Speight, J. Skinner, Stephens, Sidbury, H. Skinner, Walton, Wooten, Wilkins, Watson, Ward, Webster, Yancy—yeas 57.

Those who voted in the negative, are Messrs. Anderson, Alford, S. A. Bryan, Burns, J. M. Bryan, Baird, Burgin, Barnard, Brickell, Baine, Barrow, Bell, Brodnax, Brower, Boykin, Barringer, Blair, Cole, Cotten, Clark, Conrad, Carson, Clancy, Dockery, Dulany, Eure, Fisher, Frink, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Harrell, Hunt, Hunter, Hoke, Hill, Horton, Henry, J. Jones, Jiggitts, R. A. Jones, Lewis, Love, Lamon, Melvin, A. B. McMillan, M'Lean, Melchor, Morgan, Matthews, A. McNeill, M'Laurin, R. Martin, Mebane, M'Cauley, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Moore, Nixon, Ormond, Roberts, Rea, W. D. Smith, John Smith, C. Smith, Sneed, Sheppard, Strange, Thornton, Turner, Tyson, Underwood, White, Worth, Webb, Williamson, Whitaker—nays 83.

Mr. Lamb moved to amend the bill by striking out the word "two," and inserting the word "one," making the bill, if amended, to be in force for one year. The question thereon was determined in the negative—yeas 40, nays 84. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Burgin, Baker, Beall, Boykin, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Elliott, Edwards, Fleming, Harbin, Hastings, Hassell, Hellen, R. A. Jones, Jarman, Kilpatrick, Lee, Lamb, Maxwell, R. M'Daniel, Nixon, Pugh, A. Smith, Speight, J. Skinner, Stephens, Sidbury, H. Skinner, Thompson, Walton, Wooten, Wilkins, Watson, Ward, Webster—yeas 40

Those who voted in the negative, are Messrs. Anderson, Alford, S. A. Bryan, Burns, J. M. Bryan, Baird, Barnard, C. Bell, Brickell, Baine, Barrow, T. Bell, Brodnax, Brower, Barringer, Blair, Cole, Cotten, Clark, Conrad, Clancy, Carson, Dargun, Dockery, Dulany, Davenport, Eure, Fisher, Frink, Gary, Gilchrist, J. Graham, E. E. Gra-

ham, Gordon, Graves, Harrell, Hunt, Hunter, Hoke, Hill, Horton, Henry, J. Jones, Jiggitts, Love, Lamon, Melvin, A. B. McMillan, McLean, Melchor, Morgan, Matthews, A. McNeill, McLaurin, R. Martin, Marmen, Mebane, McCauley, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Moore, Ormond, Roberts, Rea, W. D. Smith, J. Smith, G. Smith, Sneed, Sheppard, Strange, Thornton, Turner, Tyson, Underwood, White, Worth, Webb, Williamson, Walker, Whitaker, Yancy—nays 84.

The bill thereupon was put on its passage; and the question "shall the said bill pass?" was determined in the affirmative.

The House then adjourned until to-morrow, 9 o'clock.

TUESDAY, DECEMBER 17, 1822.

On motion, ordered that the bill to alter the mode of electing sheriffs, and to vest the right thereof in the free people of this state, be the order of the day for to-morrow, then to be taken up in a committee of the whole.

Mr. L. Martin presented a bill to amend the acts for the incorporation of Elizabeth City, in Pasquotank county; and Mr. Mebane, from the committee on the Cherokee lands, reported a bill to authorise the County Court of Haywood to appoint an Entry Taker and Surveyor of the lands lately acquired by treaty from the Cherokee Indians which have not been surveyed by the state; Mr. Speight a bill to alter the names of Deborah and John Wiggins, of the county of Greene, and to legitimate them; Mr. Blair a bill supplementary to an act, passed in the year 1784, entitled an act to appoint commissioners, and to establish the town of Morganton, in Burke county; Mr. Brickell a bill to repeal part of the 5th section of an act, passed in the year 1789, entitled an act to amend an act directing the mode of proceeding against the real estate of deceased debtors, where the personal estate is insufficient for payment of debts; Mr. Fisher a bill concerning notary publics, clerks of the County Courts and county solicitors; Mr. Whitaker a bill to authorise the County Court of Wake to have re-bound and copied such books in the register's office as are old and worn out belonging to said county. These bills were severally read the first time, and the question "shall they pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry; also a bill to repeal part of the fourth section of an act, passed in the year 1810, entitled an act to establish the mode of elections in future in the county of Buncombe; also a bill to incorporate the Mecklenburg Agricultural Society; also a bill to regulate the patrol of Richmond county; also a resolution in favor of the heirs at law of James King; and asking the concurrence of this House.

Mr. L. Martin presented the petitions of John Harrison, the heirs of Joab Bell, and the heirs of Micajah Brown, respectively praying for military land warrants. Ordered that the said petitions be referred to the committee on Military Land Warrants.

Mr. Hellen, from the committee on Military Land Warrants, to whom was referred the petition of John G. Blount, made a report favorable to the prayer of the petition. The question to concur with the report passed in the negative. Mr. Barringer, who voted in the majority on the question, moved to reconsider the vote. The question thereon passed in the affirmative, and the petition ordered to be recommitted to the same committee.

The bill to regulate the patrol of Richmond county; also the bill to incorporate the Mecklenburg Agricultural Society; also the bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry, were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill for the more convenient administration of justice in capital cases; also the bill to amend an act, passed in the year 1811, entitled an act to make the stealing of standing or growing corn, maize, cotton and rice, larceny; also the bill to improve the navigation of Cape-Fear river below Wilmington, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill making compensation to the jurors of the Superior and County Courts of Franklin and Camden, was read the second and third times; and the question "shall the said bills pass the said readings?" was determined in the affirmative.

The bill to amend an act, passed in the year 1741, entitled an act for the better observation and keeping the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, was read the second time, and, on motion, postponed indefinitely.

The resignations of John Boykin and Lewis Riche, justices of the peace for Sampson county, were read and accepted.

The resolution in favor of Josiah Turner, late sheriff of Orange, was read the second and third times, and passed.

The resolution in favor of Ransom Hinton, clerk of the Superior Court of Wake, was read the second time and passed.

Ordered that the bill concerning the hire of negroes be referred to Messrs. Henry, Eure, Cooper, Moore and Dulany.

Mr. Lamb presented a bill respecting the pay of the judges of the Superior Courts, in certain cases; which being read, Mr. Moore moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the affirmative—yeas 71, nays 53. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Alford, S. A. Bryan, Blackledge, Burus, J. M. Bryan, Baird, Burgin, Brickell, Baine, T. Bell, Brodnas, Barringer, Bateman, Blair, Cotten, Cole, Clark, Carson, Conrad, Clancy, Dulany, Edwards, Fisher, Frink, Fox, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Harbin, Hoke, Hill, Hastings, Horton, Matthews, Henry, Jiggitts, R. A. Jones, Lee, A. B. McMillan, McLean, Melchor, A. McNeill, McLaurin, R. Martin, Mebane, McCauley, Macay, J. I. McMillan, Mann, L. Martin, Moore, Roberts, Rea, W. D. Smith, G. Smith, Sheppard, Strange, Thornton, Turner, Tyson, White, Worth, Ward, Webb, Yancy—yeas 71.

Those who voted in the negative, are Messrs. Barnard, C. Bell, Baker, Beall, Brower, Boykin, Cooper, L. Cherry, Carter, Cox, J. Cherry, Dargan, Daniel, Dockery, Davenport, Eure, Fleming, Harrell, Hunter, Hassell, J. Jones, Jarman, Jeter, Kilpatrick, Love, Lamon, Lamb, Melvin, Maxwell, Morgan, Matthews, McDaniel, Marmon, N. McNeill, Nixon, Ormond, Pugh, J. Smith, A. Smith, Speight, J. Skinner, Stephens, Sidbury, Sneed, H. Skinner, Thompson, Underwood, Walton, Wooster, Wilkins, Watson, Whitaker, Webster—nays 53.

The bill making the officiates of the Secretary evidence in certain cases; also the bill authorising Courts of Pleas and Quarter Sessions to take one bond only of a guardian to two or more minors holding property in common; also the bill to amend the third section of an act, passed in the year 1795, chapter 444, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill to amend an act to prevent the obstruction of the navigation of Currituck Inlet, passed in 1793, was read the second time, and, on motion, postponed indefinitely.

On motion, ordered that the bill to amend an act, passed in the year 1818, relative to weights and measures, lie on the table; and that the bill for the relief of debtors, for debts which may be contracted after the first day of January next, be made the order of the day for to-morrow.

The House then adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, DECEMBER 13, 1822.

Mr. Henry, from the special committee to whom was referred the bill concerning the hire of slaves, returned the bill, with an amendment. The amendment was received, and the bill read the second time and passed.

Mr. Mebane, from the select committee to whom was referred the memorial of John Ray, reported favorably, recommending the passage of a resolution, directing the Secretary of State to issue to the petitioner a warrant for 4,000 acres of land, on an entry made in John Armstrong's office.

Mr. Mebane, also from the same committee, to whom was referred the petition of the heirs of John Rice, deceased, reported a resolution directing the Secretary of State to issue to the heirs of Rice a warrant for 5,000 acres of land, on an entry made in John Armstrong's office.

The question to concur with the reports was determined in the affirmative.

On motion of Mr. Burgin,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating _____ dollars, out of the fund set apart for internal improvement, for the purpose of opening a road from Morganton to the North Cove, in Burke county; from thence to the Tennessee line; and that they report by bill or otherwise.

Mr. R. A. Jones presented the memorial of the Roanoke Navigation Company, praying that the state subscribe for the reserved shares in the corporation. Ordered that the said memorial be referred to the committee on Internal Improvement.

Mr. Speight, from the special committee to whom was referred the bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the years therein mentioned, reported the bill, with an amendment; which being read and concurred in, the bill was put on its passage, and the question "shall the said bill pass its second reading?" was determined in the affirmative.

A message from the Senate, proposing to ballot immediately for major commandant of the Fayetteville corps of artillery. The message was disagreed to, and the Senate informed thereof by message.

Mr. Adams, who voted in the majority yesterday on the question of the indefinite postponement of the bill respecting the pay of the judges of the Superior Courts, in certain cases, now moved that the House do reconsider that vote. The question to concur with the said motion was determined in the negative.

Mr. Moore presented a bill to alter the mode of holding the election for vestrymen for St. James' Church, in the town of Wilmington; Mr. Ward, a bill to regulate the Courts of Pleas and Quarter Sessions of Onslow county; Mr. Wilkins, a bill to establish Hopewell Academy, in Edgecombe

county, and to incorporate the trustees thereof; Mr. Blair, a bill to repeal an act to appoint a Board of Branch Pilots, to examine all persons who now have, or may hereafter wish to obtain a branch to pilot over Ocracock Bar and the Swashes, passed in the year 1819. These bills were severally read the first time, the three former passed, and the latter referred to the members representing the counties of Carteret, Hyde, Craven, Beaufort, Chowan, Pasquotank and Currituck.

Mr. Blackledge presented a bill to regulate the inspection of provisions; which was read, and, on motion, postponed indefinitely.

Mr. Mebane, from the committee on the Judiciary, to whom was referred the bill concerning the appointment of guardians by the Superior Courts of Law and Equity, reported that the committee had had the bill under consideration, and directed him to report that they are not able to discover the importance of its provisions, and begging to be discharged from the farther consideration thereof. The question to concur with the report was determined in the affirmative, and the bill ordered to lie on the table.

On motion of Mr. Mebane, ordered that the bill concerning the duty and compensation of county trustees; also the bill to amend an act, passed in the year 1817, entitled an act directing what number of jurors may hereafter be drawn to serve in the Superior and County Courts, do lie on the table.

The bill to amend the 19th section of an act, passed in the year 1794, chapter 114, entitled an act directing the mode of recovering debts of 20 pounds, and under, was read the first time and passed.

Mr. Cox presented the following resolutions:

Whereas it is, by the constitution, the bounden and the imperious duty of the representatives of the people to procure for and exhibit to them faithful and detailed statements of the amount of the public monies that are, in many instances, wrested from the hand of labor, and extorted from the hovels of poverty, which is annually disbursed, and the purposes for which such disbursements are made, so that their constituents may be enabled to judge of the policy or expediency of their authorising such disbursements as must impose on them an increase of taxes and burthens;

And whereas, it appears that the expenses and disbursements of the Board of Internal Improvement of this state have been, and are great and oppressive, and as yet unattended with any useful or profitable result, such as would justify their persevering in a system now become obnoxious to public feeling, without investigating its details;

And whereas, it would seem that all detailed statements and information on this subject, so vitally interesting to the state, from any authorised source, is studiously withheld, as no report or communication thereon has as yet been made to this General Assembly, though the session has drawn so near a close as to preclude the giving a subject so momentous the full and mature consideration its great importance demands, a course calculated to engender suspicions that a strong desire exists somewhere, to present it only when the shortness of the time given to the representatives of the people in their legislative capacity to examine its minutia and deliberately consider the usefulness or disadvantages, will compel them to adopt or reject it without due examination or consideration, and thereby jeopardize the state interest on the one hand, and the enormous sums in this way, as yet unprofitable, because abortive, pursued and ill-digested and badly conducted system on the above.

Resolved, by the Senate and House of Commons of North-Carolina, That a joint committee of both Houses, to consist of seven members, be elected by ballot, who shall have power to send for persons and papers, and take examinations on oath, where they shall deem it necessary, in any and all matters connected with the present system of internal improvement, and with the Board of Internal Improvement; and that

the said committee, having fully examined the proceedings in the said system, and of the said Board, shall report thereon in detail, by bill or otherwise.

Resolved, That it be, and it is hereby, made the duty of the Board of Internal Improvement, and of the several members thereof, to furnish to the said committee, at every and all times, when required to do so, full, complete, minute and authentic information and statements, in detail, as well of all and every singular, their proceedings, as of their amounts, expenditures, profits, claims, demands, debts, credits and contracts, of every nature and kind whatsoever, taking care to set out, at length, in the said statement, the several items, in every case, presented to view.

On motion, ordered that the said resolutions be postponed indefinitely.

The House, agreeably to the order of the day, resolved itself into a committee of the whole on the bill to alter the mode of electing sheriffs, and to vest the right thereof in the free people of this state, Mr. Graves in the chair. Mr. Blackledge moved that the committee rise and report to the House that the bill be amended by striking out the whole of the bill, except the words "a bill," and insert an amendment in lieu thereof, in the following words: "that from and after the time that the several terms of service of the sheriffs now elected and in office shall expire, the sheriffs of the several counties of this state, shall be elected by the free people thereof, in the manner to be hereafter provided by law." Thereupon Mr. Speaker resumed the chair, and Mr. Graves reported that the bill be accordingly amended, and while the question was pending, Mr. Moore moved that the further consideration of the bill be postponed until the 31st of March. The question thereon was determined in the affirmative—yeas 66, nays 63. The yeas and nays called for by Mr. Blackledge.

Those who voted in the affirmative, are Messrs. Adams, Alford, Burns, J. M. Bryan, Baird, Barnard, Baker, Beall, Barrow, Brodnax, Bateman, Blair, Cole, Carter, Cox, J. Cherry, Carson, Dulany, Eure, Fisher, Frink, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Harrell, Hunt, Hill, Hassell, Horton, Henry, R. A. Jones, Kilpatrick, Lee, Lamb, A. B. McMillan, McLean, Maxwell, Matthews, McDaniel, R. Martin, Macay, N. McNeal, J. I. McMillan, Mann, L. Martin, Moore, Pugh, A. Smith, J. Skinner, Sidbury, G. Smith, H. Skinner, Sheppard, Strange, Thornton, Turner, Underwood, Walton, Wooten, Wilkins, Watson, Ward, Williamson—yeas 66.

Those who voted in the negative, are Messrs. Anderson, S. A. Bryan, Blackledge, Burgin, C. Bell, Brickell, Baine, T. Bell, Brower, Boykin, Barringer, Cotten, Cooper, Clark, L. Cherry, Conrad, Clancy, Dargan, Dockery, Davenport, Elliott, Edwards, Fox, Fleming, Hunter, Harbin, Hoke, Hastings, Hellen, J. Jones, Jiggitts, Jarman, Jeter, Lewis, Love, Lamon, Melvin, Melchor, Morgan, A. McNeill, McLaurin, Marmon, Mebane, McCauley, Nixon, Ormond, Roberts, Rea, W. Smith, J. Smith, Speight, Stephens, Sneed, S. Smith, Thompson, Tyson, White, Worth, Webb, Walker, Whitaker, Webster, Yancy—nays 63.

A message from the Senate, proposing to ballot immediately for lieutenant colonel and major of cavalry, attached to the 10th brigade and 5th division of the militia; also to ballot immediately thereafter for a colonel commandant of the regiment of cavalry of the 15th brigade; and informing that Edward Williams is nominated for the appointment.

The House then adjourned until to-morrow morning, 9 o'clock.

THURSDAY, DECEMBER 19, 1822.

On motion of Mr. Anderson,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating a sum not exceeding seven hundred dollars, out of the funds set apart for internal improvement, for the purpose of opening and making a road from Wm. Woodward's, in Buncombe county, to the line of Tennessee, so as to intersect a road laid out by the state of Tennessee from King's salt works; and that they report by bill or otherwise.

On motion of Mr. Thompson,

Resolved, That the state printer be directed to furnish each of the county trustees in this state, with a copy of the acts of the Assembly, at the same time, and in the same manner that justices of the peace are now furnished.

Mr. Strange, from the committee to whom was referred the petition of sundry inhabitants of the town of Fayetteville, made a report favorable to the prayer of the petition, recommending the passage of a bill to incorporate the president and directors of the Cape Fear Steam Boat Company. The report was concurred in, and the bill reported read the first time, and passed.

Mr. Moore presented the petition of Diminque Cazaux, of the town of Wilmington, praying that the Sheriff of New-Hanover county be directed to restore to him a billiard table, which he had seized for the non-payment of the tax thereon. Ordered that the petition be referred to the committee of Propositions and Grievances.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Robeson, Columbus and Bladen, to appoint a committee of Finance; also a bill to amend an act, passed in the year 1821, entitled an act to provide for the execution of process, where there shall be no proper sheriff in the county to execute the same; also a bill to prescribe the time at which the office of sheriff shall expire; also a bill to provide a revenue for the payment of the civil list, and the contingent charges of government for the year 1823, and asking the concurrence of this House; and also informing that they had rejected the resolution in favor of the heirs of Joseph Cunningham.

A message from the Senate, informing that they had made several amendments in the bill supplemental to an act, passed at the present session of the General Assembly, entitled an act for the division of Rowan county, and asking the concurrence of this House. The amendments were concurred in, and the Senate informed thereof by message.

A message from the Senate, proposing to ballot immediately for a colonel commandant of cavalry attached to the 15th brigade of the militia, and informing that Edward Williams is nominated for the appointment; and proposing further, immediately thereafter to ballot for major of cavalry attached to the 2d brigade of the 6th division, and informing that major Cook is nominated for the appointment. The message was disagreed to, and a message ordered to be sent to the Senate, proposing to ballot at 3 o'clock this evening for those and other military officers, as well as for a Board of Internal Improvement.

The bill to provide a revenue for the payment of the civil list, and the contingent charges of Government for the year 1823, was read the first time and passed, and made the order of the day for to-morrow, in a committee of the whole House.

On motion of Mr. Gilchrist,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating five hundred dollars, from the fund set apart for internal improvement, to facilitate the navigation of Lumber river; and that they report by bill or otherwise.

Mr. A. B. McMillan presented a bill for repairing and improving the road leading from Huntsville, in Surry county, over the Blue Ridge, by Gap Civil, in Ashe county, to the Virginia line; and Mr. McLaurin a bill pointing out the qualifications of overseers of roads. These were read the first time. The former referred to the committee on Internal Improvement; the latter postponed indefinitely.

The bill appointing commissioners to extend and mark the dividing line between the counties of Bladen and Cumberland, was read the second and third times; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Burgin, from the committee to whom was referred the resolution directing them to inquire into the expediency of repealing the act of 1815, providing for the appointment of electors to vote for President and Vice President of the United States, so far as the same provides for their appointment by general ticket, and of restoring the former mode by districts, reported that the committee had had the subject under consideration, and directed him to report that it is inexpedient to repeal the said act. The question to concur with the report was determined in the affirmative—yeas 96, nays 26. The yeas and nays called for by Mr. Beall.

Those who voted in the affirmative, are Messrs. Adams, Anderson, S. A. Bryan, Blackledge, Burns, J. M. Bryan, Barnard, C. Bell, Baker, Baine, Barrow, T. Bell, Brodnax, Brower, Boykin, Barringer, Cole, Cooper, L. Cherry, Carter, Conrad, J. Cherry, Curson, Daniel, Dalany, Davenport, Edwards, Eare, Fisher, Frink, Fox, Fleming, Gary, Gilchrist, J. Graham, B. E. Graham, Gordon, Graves, Harrell, Hunt, Hoke, Hassell, Horton, Hellen, Henry, J. Jones, Jiggitts, R. A. Jones, Jeter, Kilpatrick, Lewis, Lee, Lamon, Melvin, A. B. McMillan, Melchor, Maxwell, Matthews, McDaniel, McLaurin, Marmon, Mebane, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Moore, Nixon, Ormond, Pugh, Roberts, Rea, A. Smith, Speight, J. Skinner, Stephens, Sidbury, Sneed, H. Skinner, Sheppard, S. Smith, Strange, Thompson, Turner, Tyson, Underwood, Walton, Wooten, Wilkins, Watson, Ward, Webb, Whitaker, Webster, Yancy—95 yeas.

Those who voted in the negative, are Messrs. Alford, Baird, Burgin, Beall, Cotten, Clark, Cox, Clancy, Dargan, Dockery, Hunter, Harbin, Hastings, Jarman, Love, Lamb, McLane, Morgan, A. McNeill, McCaulley, W. D. Smith, J. Smith, G. Smith, Thornton, White, Worth—nays 26.

The bill to amend an act, passed in the year 1813, relative to weights and measures, was read the second time and amended; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Barringer presented the petition of Millington Richardson, of the city of Raleigh, praying an additional allowance to be made him for certain work done on the state house. Ordered that the petition be referred to the committee on Public Buildings.

The Petition of Benjamin Pratt, of Anson county, praying to be authorised to emancipate certain of his negroes. Ordered that the petition be referred to the committee of Propositions and Grievances.

Mr. Beall, who voted yesterday in the majority on the question of indefinite postponement of the bill to alter the mode of electing sheriffs, and to vest the right thereof in the free people of this state, moved that the House do reconsider that vote. The question thereon was determined in the negative.

The resolution in favor of Thomas Clancy, late sheriff of Orange county, was read the second time and passed.

The resignation of Edmund Whitfield, major of the regiment of militia of Wayne county, was read and accepted.

The bill to amend an act, entitled an act to empower the county courts in this state to provide for the safe keeping of the estates of idiots and lunatics, was read the second time, and, on motion, ordered to be postponed indefinitely.

The bill for the relief of debtors, for debts which may be contracted after the first day of January next, was read the second time and amended. Mr. R. A. Jones moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the negative—yeas 16, nays 110. The yeas and nays called for by Mr. Nixon.

Those who voted in the affirmative, are Messrs. J. M. Bryan, Cotten, Cox, Dockery, Dulany, Edwards, Frink, R. A. Jones, Jeter, Matthews, Macay, W. D. Smith, S. Smith, Thompson, Tyson, Webb—yeas 16.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, S. A. Bryan, Blackledge, Burns, Baird, Barnard, C. Bell, Baker, Beall, Baine, T. Earrow, F. Bell, Brodnax, Brower, Boykin, Barringer, Bateman, Blair, Cooper, Cole, Clark, L. Cherry, Carter, Conrad, J. Cherry, Carson, Clancy, Dargan, Daniel, Davenport, Eure, Fisher, Fox, Fleming, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Harrell, Hunt, Hunter, Harbin, Hoke, Hill, Hassell, Hastings, Horton, Hellen, Henry, J. Jones, Jiggitts, Jarman, Kilpatrick, Lewis, Lee, Love, Lamb, Lunon, Melvin, A. B. M'Millan, M'Lean, Melchor, Maxwell, Morgan, M'Daniel, A. M'Neill, M'Laurin, R. Martin, Murmon, Mebane, M'Cauley, N. M'Neill, J. I. M'Millan, Mann, L. Martin, Moore, Nixon, Ormond, Smith, Pugh, Roberts, Rea, J. Smith, A. Smith, Speight, J. Skinner, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, Sheppard, Strange, Thornton, Turner, Underwood, White, Walton, Worth, Wooten, Wilkins, Watson, Williamson, Walker, Whitaker, Webster, Yancy—nays 110.

The bill thereupon was put on its passage, and the question "shall the said bill pass?" was determined in the affirmative. On motion, ordered that the said bill be referred to Messrs. Henry, J. Graham, Mebane, Fisher, and Moore.

The bill to improve the navigation of Cape-Fear river, below the town of Wilmington, was read the third time, and the question "shall the said bill pass?" was determined in the affirmative.

The bill to amend an act, passed in the year 1807, entitled an act to regulate the charges of sheriffs, constables, coroners, and other officers, in certain cases, was read the second time and passed.

The House then adjourned until 3 o'clock, P. M.

THURSDAY EVENING, 3 O'CLOCK.

Mr. Carson presented the memorial of John Smith, of Rutherford county, stating that he had paid into the treasury five dollars, for an entry of land, and that he has not received a grant for the same, and praying that the purchase money be refunded to him. Ordered that the memorial be referred to the committee of Claims.

Mr. Barnard presented a bill to prevent hogs from running at large in certain parts of Currituck county, which was read the first time and passed.

On motion of Mr. Baird,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating the sum of three hundred dollars, set apart for internal improvements, for the purpose of opening the Charleston road, from James Bedford's, in Burke county, across Cain Creek mountain; and that they report by bill or otherwise.

The resignation of David Haden, justice of the peace for the county of Buncombe, was read and accepted.

Mr. Clancy presented the petition of Janet Corn, widow, stating that on the 22d day of last month her son was murdered, and that proper steps had not been pursued to bring to punishment the perpetrators of the murder, and praying the interposition of the Legislature. Ordered that the petition be referred to Messrs. Martin, Clancy, Eure, Sheppard and R. A. Jones.

A message from the Senate, proposing to ballot immediately for brigadier general of the 12th brigade and 6th division, and informing that Col. Daniel Boon is nominated for the appointment. The message was disagreed to.

On motion of Mr. Love,

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of appropriating the sum of 1,000 dollars to be applied to cutting and opening a road, where the road laid off by the state of Tennessee crosses the Smoky Mountain, to the town of Franklin, in the Cherokee purchase; and that they report by bill or otherwise.

The resignations of Silvanus Spruell, lieutenant-colonel of the militia of Washington, Thomas R. Morrisey, lieutenant-colonel of the militia of Sampson, and Joseph Amis, colonel-commandant of the north regiment of militia, in Granville county, were read and accepted.

The bill to prescribe the time at which the office of sheriff shall expire; also the bill to amend an act, passed in the year 1821, entitled an act to provide for the execution of process, when there shall be no proper sheriff in the county to execute the same; also the bill to repeal part of the 4th section of an act, passed in the year 1810, entitled an act to establish the mode of elections in future in the county of Buncombe, were severally read the first time and passed.

A message from the Senate, by their clerk assistant, informing that they had passed a bill, giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state; also, a bill to alter the place of holding regimental and battalion musters, in the county of New-Hauover; also, a bill directing in what manner lands and slaves under execution shall be sold, in future, in Camden, Washington, Duplin, and Randolph counties; also, a bill to amend an act, passed in the year 1817, entitled an act to authorise the County Courts of Wilkes and Brunswick to appoint a committee; also, a bill to appoint Trustees for Kinston Academy, and to regulate the same; also, a bill to restore Davis Etheridge, of the county of Camden, to credit; also, a bill to prevent the fire hunting of fowl, in Currituck county; also, a bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; also, a bill giving Haywood Superior Court concurrent jurisdiction, with the County Court, over the road from Jesse Belew's old place to the southern boundary line; also, a bill to authorise the building of a toll-bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a

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company for that purpose; also, a resolution in favor of Griffith I. White, sheriff of Bladen; and also a resolution in favor of the heirs of James Greene, and asking the concurrence of this House.

The bill to restore Davis Etheridge, of the county of Camden, to credit; also, the bill to prevent hunting of fowl in Currituck county; also, the bill to appoint commissioners for the town of Kinston, in Lenoir, and to enlarge their powers, were read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Robeson, Columbus, Bladen, Currituck, Craven, Sampson and Tyrrell, to appoint a committee of Finance; also the bill to establish Meltonsville Academy, in the county of Anson, and to incorporate the trustees thereof, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The resolution relative to the Baptist Church, in the city of Raleigh; also a resolution in favor of the heirs at law of James Greene, were read and concurred with.

The bill to alter the names of Deborah and John Wiggins, of the county of Greene, and to legitimate them, was read the second and third times; also, the bill to legitimate and alter the names of Robert William Golding and Henry Hartman, was read the third time. The question "shall these bills pass?" was determined in the affirmative.

A message from the Senate, agreeing to the amendments made by this House to the bill declaring what hogshead and barrel staves shall be merchantable.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 20, 1822.

Mr. Henry, from the special committee to whom was referred the bill for the relief of debtors, for debts which may be contracted after the first day of May next, reported the bill with several amendments, which were concurred in, and the bill read the third time, passed, and ordered to be engrossed.

The House, agreeably to the order of the day, resolved itself into a committee of the whole, on the bill to provide a revenue for the payment of the civil list and contingent charges of government for the year 1823, Mr. Fisher in the chair, and after much time spent therein, Mr. Speaker resumed the chair, and Mr. Fisher reported that the committee of the whole had had the said bill under consideration, and directed him to report it with sundry amendments. The question to concur with the report was determined in the affirmative. The bill thereon was read the second time, and the question "shall the said bill pass?" was determined in the affirmative. On motion, ordered that the said bill be read the third time. Mr. Graves moved to amend the bill, by striking out the words "two hundred dollars," the tax on brokers, and inserting the words "one thousand dollars;" and a division of the question was called for, and the question "will the House strike out?" was determined in the negative—yeas 40, nays 72. The yeas and nays called for by Mr. Graves.

Those who voted in the affirmative, are Messrs. Blackledge, Burns, J. M. Bryan, Baird, Barnard, Beall, Baine, Brodnax, Barrow, Brower, Boykin,

Cole, Cotten, Clark, Cox, Clancy, Dulany, Fisher, Fleming, J. Graham, Graves, Hunter, Harbin, Hassell, Hastings, Melvin, A. B. M'Millan, Melchor, Marmon, M'Canley, Nixon, Pugh, Rea, A. Smith, Speight, Sheppard, S. Smith, Worth, Webster, Yancy—40 yeas.

Those who voted in the negative, are Messrs. Adams, Anderson, Burgin, C. Bell, Baker, T. Bell, Barringer, Bateman, Cooper, J. Cherry, Carter, Conrad, J. Cherry, Carson, Dargan, Daniel, Dockery, Davenport, Elliott, Edwards, Eure, Frink, Cary, Gilchrist, Gordon, Harrell, Hoke, Horton, Hellen, Henry, J. Jones, Jiggitts, R. A. Jones, Jarman, Kilpatrick, Lewis, Lee, Lamb, Lamon, Maxwell, Morgan, Matthews, M'Daniel, A. M'Neill, M'Laurin, L. Martin, R. Martin, Macay, Roberts, W. D. Smith, J. Smith, J. Skinner, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, Strange, Thompson, Thornton, Turner, Tyson, Underwood, White, Walton, Wooten, Wilkins, Watson, Ward, Webb, Walker, Whitaker—nays 72.

The bill thereupon was put on its passage, and the question "shall the said bill pass?" was determined in the affirmative. Ordered, that the bill be sent to the Senate, with a message, informing of the various amendments, and asking their concurrence.

On motion, ordered that the bill to authorise the sheriff of Edgecombe to collect the arrears of taxes due him, be referred to Messrs. Baker, Eure, Sheppard, Ward and Dockery.

Mr. Lamb presented the following resolution:

Resolved by the Senate and the House of Commons of North-Carolina, that the President of the board of Internal Improvement furnish forthwith to the General Assembly, faithful copies of all the contracts and engagements entered into, or made on the part of the said board with Hamilton Fulton; and that he also furnish a detailed and authentic statement of the whole amount of monies paid to, or dis' used by order, or on account of said Fulton, from the time of engaging said Fulton in Europe to the present day, and including all expenses of the said Hamilton Fulton in travelling, as state engineer, and the expenses of hands in accompanying him as such.

Mr. Lewis moved that the further consideration of the said resolution be postponed indefinitely; and while the question was pending, Mr. Beall moved that the House adjourn until to-morrow morning, 9 o'clock. The question thereon passed in the affirmative, and the House adjourned accordingly.

SATURDAY, DECEMBER 21, 1822.

On motion of Mr. S. A. Bryan,

Resolved, That a joint select committee, composed of the members representing the counties of Gates, Hertford, Bertie, Washington, Martin, and the town of Edenton, be appointed to inquire into the expediency of amending the inspection laws relative to tar, pitch and turpentine; and that they report by bill or otherwise.

On motion of Mr. C. Bell,

Resolved, That the committee on internal improvement inquire into the expediency of appropriating the sum of _____ dollars, of the fund set apart for internal improvement, for the improvement of the channel leading from Currituck Inlet through the narrows to Albermarle Sound, and report by bill or otherwise.

On motion of Mr. Webb,

Resolved, That the committee of Claims be instructed to inquire into the expediency of allowing George Williamson, sheriff of Caswell county, such sum of money as may be due him for insolvent taxables for the years 1817, 1818 and 1819; and that the said committee report by bill or otherwise.

On motion of Mr. Hill,

Resolved, That the Secretary of State be authorised and directed to issue to John

Ferguson, of Stokes County, a grant for 13 acres of land on his entry No. 1822, the purchase money of which appears to have been paid according to the comptroller's certificate, now lodged in the Secretary's office.

Mr. Pugh presented the petition of Wm. Watson, praying that a sum of money paid into the Treasury by him for a tract of land entered, which had been previously entered, be refunded. Ordered that the petition be referred to Messrs. Pugh, J. I. McMillan, Clancy, Frink and Alford.

The resignation of Gabriel B. Lea, Justice of the Peace for the county of Orange, was presented, read and accepted.

Mr. Eure presented a bill, to authorise the reading of depositions in certain cases; Mr. Anderson a bill to amend the first section of an act, entitled an act to keep open Ivery river in Buncombe county, as far up said river as Carter's mill; Mr. Baker a bill to alter the names, and legitimate Thomas Jefferson Peel, James Madison Peel and George Washington Peel. These bills were severally read the first time and passed.

Mr. Mebane, from the committee on Internal Improvement, to whom were referred sundry resolutions, which accompany this report, requesting appropriations of money to open and improve several roads in the western part of this state, reported that such applications ought to have been made by the board of internal improvement; and therefore recommend that they be rejected. The report was concurred in.

Mr. Mebane, from the same committee, made a report on the memorial of the Roanoke Navigation Company, praying that the General Assembly provide for the state's subscribing five hundred and fifty shares, to the capital stock of said company, or relinquish the right of subscription to the said company, reported that it is inexpedient for the state to do either at this time. Ordered that the report lie on the table until Monday next.

A message from the Senate, proposing to ballot immediately for a colonel of cavalry attached to the 15th brigade of militia. The message was concurred in, and the Senate informed thereof by message; and that Mr. Beall and Mr. Hill attend the Senate to conduct the balloting on the part of this House.

Mr. Mebane presented a bill to authorise John A. Cameron, of the town of Fayetteville, to erect and keep up a toll bridge across Deep river, in Chatham county; Mr. Pugh also presented a bill to exempt certain citizens of Hyde county from public duties. These bills were read the first time and passed.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the memorial of sundry citizens of Bertie county, praying for the enacting of a law, regulating the seine fisheries on Salmon creek, made a report favorable to the prayer of the memorialists, recommending the passage of a bill on the subject, regulating the mode of taking fish with seines on Salmon creek. The report was concurred in, and the bill reported, read the first time and passed.

A message from the Senate, by their clerk assistant, informing that the Senate had concurred in the several amendments made to the bill by this House, to provide a revenue for the payment of the civil list and contingent charges of government for the year 1833.

A message from the Senate, informing that Mr. Carson and Mr. Bethune attend this House, on their part, to superintend the balloting for colonel of cavalry attached to the 15th brigade.

The bill to authorise Thomas Cobbs, of Wake county, to erect a bridge across Neuse river, was read the third time; and the bill to incorporate a Light Infantry Company in the town of Newbern, was read the second and third times; also the bill to incorporate Sharon Lodge, No. 78, in Pitt county, was read the second and third times; and the question "shall the said bills pass and be engrossed?" was determined in the affirmative.

Mr. Hill, from the committee appointed to conduct the balloting for colonel of cavalry, attached to the 15th brigade, reported that the committee had performed the duty assigned them, and that, on examining the ballots, it appeared that a majority of the whole number was found to be in favor of Athen A. McDowell, who was duly elected. The question to concur with the report was determined in the affirmative.

The bill to incorporate the Mecklenburg and Robeson Agricultural Societies, was read the second and third times, and amended; and the question "shall the said bill pass?" was determined in the affirmative. Ordered that the said bill be sent to the Senate, with a message, informing of the amendment, and asking their concurrence.

On motion, ordered that Mr. Burns and Mr. Clancy, after Monday next, and Mr. McCauley, after Tuesday next, have leave of absence until the end of the Session.

The bill to increase the power of the judges of the Supreme Court in particular cases, and to more essentially promote the administration of justice, was read, and referred to the committee on the Judiciary.

The bill to amend the 19th section of an act, passed in the year 1794, chapter 14th, entitled an act directing the mode of recovering debts of 20 pounds and under, was read the second time. The question "shall the bill pass?" was determined in the affirmative.

The bill to prevent negro tradesmen, who act for themselves, and keep their own accounts, from trading with other slaves; also the bill declaring the effect of deeds and conveyances in trust, and to prevent fraud and unnecessary litigation, were read the second time, and, on motion, ordered to be postponed indefinitely.

Mr. Mebane, from the committee on Internal Improvement, to whom was referred the bill to repeal the first section of an act, passed in the year 1821, entitled an act to provide an additional fund for internal improvement, reported that they had had the subject under consideration, and directed him to report, that neither the state of our finances nor the best interest of our country make it necessary to repeal said act, and recommend that the said bill be rejected. The question to concur with the report was determined in the affirmative—yeas 64, nays 62. The yeas and nays called for by Mr. Speight.

Those who voted in the affirmative, are Messrs. Anderson, Alford, S. A. Bryan, Blackledge, Burns, Baird, Burgin, Beall, Brodnax, Barringer, Cole, Conrad, Carson, Clancy, Dockery, Dulany, Eare, Fisher, Frink, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Hunter, Harbin, Hoke, Hill, Horton, Hellen, Henry, Jiggitts, J. A. Jones, Jeter, Melvin, A. B. McMillan, McLean, Melchor, Morgan, Matthews, McLaurin, R. Martin, Mebane, Macay, J. I. McMillan, L. Martin, Moore, Ormond, Roberts, Rea, W. D. Smith, A. Smith, Sidbury, G. Smith, Sheppard, Strange, Thompson, Thornton, Turner, Webb, Williamson, Walker, Yancy—yeas 64

Those who voted in the negative, are Messrs. Adams, J. M. Bryan, C. Bell, Brickell, Baker, Baile, Barrow, T. Bell, Brower, Boykin, Bateman, Blair, Cotten, Cooper, Clark, L. Cherry, Carter, Cox, J. Cherry, Dargan, Daniel, Davenport, Elliott, Edwards, Fox, Fleming, Harrell, Hassell, Hastings, J. Jones, Jarman, Knaptrick, Lewis

Lee, Love, Lamb, Lamon, Maxwell, M'Daniel, A. McNeill, Marmon, M'Cauley, N. McNeill, Nixon, Pugh, J. Smith, Speight, J. Skinner, Stephens, Sneed, H. Skinner, S. Smith, Tyson, Underwood, White, Walton, Wooten, Wilkins, Watson, Ward, Whitaker, Webster—nays 62.

The House resumed the consideration of the resolution presented yesterday by Mr. Lamb; and the question recurring for the indefinite postponement, Mr. Mebane moved that it lie on the table; and the question "shall the said resolution lie on the table?" was determined in the affirmative—yeas 80, nays 43. "The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Anderson, Alford, Blackledge, Burns, J. M. Bryan, Baird, C. Bell, Brickell, Baker, Beall, Baine, Barrow, T. Bell, Brodnax, Brower, Boykin, Barringer, Cole, Clark, Conrad, Carson, Clancy, Dockery, Dulany, Eure, Fisher, Frink, Fox, Fleming, Gary, Gilchrist, E. E. Graham, Gordon, Graves, Harrell, Hunt, Hunter, Harbin, Hoke, Hastings, Horton, Hellen, Jiggitts, R. A. Jones, Jeter, Lewis, Lee, Love, A. B. M'Millan, M'Lean, Melchor, Matthews, M'Daniel, M'Laurin, R. Martin, Marmon, Mebane, M'Cauley, Macey, N. McNeill, J. I. M'Millan, L. Martin, Nixon, Roberts, Rea, W. D. Smith, John Smith, A. Smith, G. Smith, Sheppard, S. Smith, Strange, Thompson, Thornton, Turner, Worth, Wooten, Watson, Walker, Whitaker—yeas 80.

Those who voted in the negative, are Messrs. Adams, Bateman, Cotten, Cooper, I. Cherry, Carter, Cox, J. Cherry, Dargan, Daniel, Davoport, Elliott, Edwards, J. Graham, Hill, Hassell, Henry, J. Jones, Jarman, Kilpatrick, Lamb, Lamon, Melvin, Maxwell, Morgan, A. McNeill, Moore, Pugh, Speight, J. Skinner, Stephens, Sidbury, Sneed, H. Skinner, Tyson, Underwood, White, Walton, Wilkins, Webb, Williamson, Webster, Yancy—nays 43.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, DECEMBER 23, 1822.

On motion, ordered that John M. Bryan have leave of absence, after yesterday, and Mr. Nixon, after this day, until the end of the session.

Mr. Brower presented the petition of John B. Troy, of Randolph county, a captain of a volunteer company, praying to be permitted to draw from the arsenal at Fayetteville sixty stands of arms, for the use of said company. Ordered that the petition be referred to the Military committee.

On motion of Mr. Graves,

Resolved, That the Secretary of State purchase, either in this state or elsewhere, as he may think best, the stationary required for the executive office, the offices of the other departments of government, and the clerks of the General Assembly, for the ensuing year, and that the Treasurer advance the sum necessary to make such purchase to the Secretary, not exceeding three hundred dollars; and that the rule of the House, requiring all resolutions and reports, the object of which is to draw money out of the Treasury, be dispensed with, so far as it respects this resolution.

Mr. Baird presented a bill supplemental to an act, passed in the year 1813, entitled an act to appoint commissioners to extend the Fayetteville road from Morganton to the Tennessee line.

The resignations of William Taylor, of Anson county, and Thomas Lockart, jun. of Johnston county, Justices of the Peace, were presented, read and accepted.

A message from the Senate, proposing to ballot immediately for a major-general of the 3d division, and informing that brigadier-general Romulus Saunders and brigadier-general John Byrd are nominated for the appointment, and proposing to ballot immediately thereafter for brigadier-general for the 4th brigade and 2d division, and informing that Benjamin Person is in nomination for the appointment. The message was concurred in, and the Senate informed, by message, that Mr. R. Martin and Mr. Worth

attend the Senate as a committee, on the part of this House, to conduct the balloting for major-general for the 3d division; and that Mr. Bateman and Mr. Wilkins attend the Senate as a committee to conduct the balloting, on the part of this House, for brigadier general for the 4th brigade. The name of Thomas Boykin is withdrawn from the nomination.

A message from the Senate, informing that Mr. Williams and Mr. Green form a committee, on their part, to conduct the balloting for major-general for the 3d division.

A message was sent to the Senate, by their clerk assistant, informing that the Senate had passed a bill making compensation to the jurors of the courts of Mecklenburg, and asking the concurrence of this House.

Mr. T. Bell presented a bill to provide additional commissioners for the town of Nixonton, in Pasquotank county; Mr. Fugh a bill to continue in force an act, passed in the year 1820, entitled an act appointing commissioners for fixing upon a suitable place for public buildings in Hyde county, and for other purposes. These bills were read the first time, and the question, shall the said bills pass? was determined in the affirmative.

Mr. E. E. Graham presented a bill to direct how the compensation of the Port Physician of the town of Newbern shall be paid; which was read the first and second times; and the question "shall the said bill pass?" was determined in the affirmative.

Mr. Rea presented a bill appointing commissioners to lay off and mark a road from Charlotte to the Anson county line. Ordered that the bill, together with two petitions presented with the bill, for and against the said road, be referred to the committee on Internal Improvement.

The bill giving exclusive jurisdiction to the Superior Court of Bladen of pleas and prosecutions of the state; also the bill to alter the place of holding regimental and battalion musters in the county of New-Hanover; also the bill making compensation to the jurors in the courts of Mecklenburg county; also the bill to amend an act, passed in the year 1793, entitled an act to amend an act entitled an act to empower the several County Courts of Pleas and Quarter Sessions of the several counties in this state to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks; and also the bill giving Haywood Superior Court concurrent jurisdiction, with the County Court, over the road from Jesse Bellew's old place to the southern boundary line. These bills were severally read the first time; and the question "shall the said bills pass?" was determined in the affirmative.

Mr. W. D. Smith presented the petition of James Kirkendale, on the subject of his turnpike road. Ordered that the petition be referred to the committee of Propositions and Grievances.

The resolution in favor of Thomas Clancy, late sheriff of Orange county, was read the third time, passed, and ordered to be enrolled.

The bill to appoint trustees for the Kinston Academy, and to regulate the same, was read the first and second times; and the question "shall the said bill pass its first and second readings?" was determined in the affirmative.

The resolution in favor of Etheldred Dance; also the resolution in favor of the heirs of James Greene, were read and concurred with.

The resignation of James Nuttall, lieutenant colonel of the regiment of

cavalry attached to the 16th brigade of the 3d division of the militia, was read and accepted.

The resolution in favor of Griffith I. White, sheriff of Bladen county, was read the first time and passed.

Mr. Baker, from the select committee to whom was referred the bill to authorise the sheriff of Edgecombe county to collect the arrears of taxes due him, reported that the bill be amended by striking out the whole except the words "a bill," and inserting in the place thereof an amendment "to authorise and to empower the executors of Dempsey Jenkins to collect the arrears due him in the county of Edgecombe." The report was concurred in, and the bill reported read for its first and second readings and passed.

The bill to amend an act, passed in the year 1819, entitled an act to prevent fraudulent trading with slaves; also the bill to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; also the bill to amend an act, passed in 1821, entitled an act to provide for the execution of process where there shall be no proper sheriff in the county to execute the same; also the bill to prescribe the time at which the office of sheriff shall expire; also the bill to authorise the County Court of Haywood to appoint an entry taker and surveyor for the lands lately acquired by treaty from the Cherokee Indians, which have not been surveyed by the state; also the bill to authorise the reading of depositions in certain cases, were severally read the second time; and the question, "shall the said bills pass?" was determined in the affirmative.

The resolution in favor of Ransom Hinton, clerk of the Superior Court of Wake county, was read the third time and passed.

Mr. Ward presented a bill pointing out the mode whereby the militia of this state shall hereafter be called out in cases of insurrection; which was read the first time and passed.

Mr. Robert Martin, from the committee appointed to conduct the balloting for major general of the 3d division, reported that the committee had performed that duty; and that, on examining the ballots, it appeared that a majority of the whole number was in favor of John Byrd, who was duly elected. The question to concur with the report was determined in the affirmative.

The House proceeded to the consideration of the resolution presented by Mr. Lamb; which being again read, Mr. Mebane moved to amend it, by striking out the whole except the word "resolved," and inserting an amendment in the following words, to wit: "That a select committee be appointed, whose duty it shall be to ascertain the amount paid the state engineer and assistants, as well for salary as expenses in each and every year since he has been in the service of this state; and the amount paid the Board of Internal Improvement, for expenses; and also the amount paid to the several navigation companies; the amount subscribed by the state, and which remains unpaid; the amount paid for the improvement of several roads; and that they report the same to this House; and that said committee be further instructed to exhibit a comparative view of the progress of internal improvement of this state before and since the establishment of the Board, and consequent employment of a civil Engineer." The

question to concur with the amendment was determined in the affirmative—yeas 87, nays 35. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Alford, S. A. Bryan, Baird, Burgin, Barnard, C. Bell, Beall, Baine, Barrow, T. Bell, Brodnax, Brower, Boykin, Barringer, Bateman, Cole, Cooper, Clark, Carson, Dockery, Dulany, Davenport, Edwards, Eure, Fisher, Frink, Fleming, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Hunt, Hunter, Harbin, Hoke, Hill, Hastings, Horton, Henry, J. Jones, Jiggitts, R. A. Jones, Jeter, Lewis, Lee, Love, Melvin, A. B. McMillan, M'Lean, Melchor, M'Daniel, M'Laurin, R. Martin, Marmon, Mebane, M'Cauley, Macay, N. McNeill, J. I. McMillan, Mann, L. Martin, Roberts, Rea, W. D. Smith, A. Smith, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, Sheppard, S. Smith, Strange, Thompson, Thornton, Turner, Tyson, White, Worth, Wooten, Ward, Webb, Williamson, Walker—yeas 87.

Those who voted in the negative, are Messrs. Blackledge, Baker, Blair, Cotten, L. Cherry, Carter, Cox, J. Cherry, Dargan, Daniel, Elliott, Graves, Harrell, Hassell, Hellen, Jarman, Kilpatrick, Lamb, Lanon, Maxwell, Matthews, Morgan, A. McNeill, Ormond, Pugh, J. Smith, Speight, J. Skinner, Underwood, Walton, Wilkins, Watson, Whitaker, Webster, Yancy—nays 35.

The bill concerning the hire of slaves was read the third time, and the question "shall the said bill pass?" was determined in the negative—yeas 43, nays 76. The yeas and nays called for by Mr. T. Bell.

Those who voted in the affirmative, are Messrs. Barnard, Baker, Baine, T. Bell, Boykin, Barringer, Blair, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Dockery, Dulany, Elliott, Eure, Fleming, Graves, Hunt, Hassell, Hastings, Hellen, J. Jones, Jarman, Kilpatrick, Lewis, Lamb, Marmon, Pugh, Roberts, A. Smith, J. Skinner, Sidbury, S. Smith, Thompson, Tyson, Walton, Wooten, Wilkins, Watson, Whitaker, Webster—yeas 43.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Bryan, Blackledge, Baird, Burgin, C. Bell, Beall, Barrow, Brodnax, Brower, Cole, Cotten, Clark, Conrad, Carson, Dargan, Davenport, Edwards, Fisher, Frink, Fox, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Hunter, Harbin, Hoke, Hill, Horton, Henry, Jiggitts, R. A. Jones, Jeter, Lee, Love, Lanon, Melvin, A. B. McMillan, M'Lean, Melchor, Maxwell, Morgan, Matthews, M'Daniel, A. McNeill, M'Laurin, R. Martin, Mebane, M'Cauley, Macay, J. I. McMillan, L. Martin, Ormond, Rea, W. D. Smith, J. Smith, Speight, Stephens, G. Smith, Sneed, H. Skinner, Sheppard, Strange, Thornton, Turner, White, Worth, Ward, Webb, Williamson, Walker, Yancy—nays 76.

Mr. Hellen presented a bill to amend an act, passed in 1819, entitled an act to appoint a board of branch pilots to examine all persons who now have, or may hereafter, wish to obtain a branch to pilot over Ocracock Bar and the Swashes, which was read the first time and passed.

Mr. Hellen presented the petition of Israel Meals, of the state of Tennessee, praying to be indemnified for the retention of a military land warrant, in the office of the Secretary of State. Ordered that the petition be referred to the committee on Military Warrants.

Mr. Pugh, from the committee to whom was referred the petition of William Watson, reported in favor of the petition, recommending the passage of a resolution, directing the Treasurer to pay to William Watson, the sum of thirty dollars. The question to concur with the report was concurred in, and the resolution passed for its first reading.

The bill to repeal part of the 5th section of an act, passed in 1789, entitled an act to amend an act entitled an act directing the mode of proceeding against the real estate of deceased debtors, where the personal estate is insufficient for payment of debts; also the bill for the better regulation of appeals from the decisions of Justices of the Peace, were read the second time; and the bill directing in what manner lands and slaves under

execution shall be sold, in future, in Camden, Washington, Duplin and Randolph, was read the first time. On motion, ordered that these bills be indefinitely postponed.

The House then adjourned until 3 o'clock, P. M.

MONDAY EVENING, 3 O'CLOCK.

The bill for the more convenient administration of justice in capital cases; also the bill authorising courts of Pleas and Quarter Sessions to take one bond only of a guardian, to two or more minors holding property in common; also the bill to amend an act, passed in 1741, entitled an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mismarking and misbranding horses, cattle and hogs, unmarked and unbranded; also the bill to amend the third section of an act, passed in the year 1795, chap. 444; also the bill making the officiates of the Secretary evidence in certain cases; also the bill to amend an act, passed in 1811, entitled an act to make the stealing of standing or growing corn, maize, cotton and rice, larceny; also the bill concerning jails; also the bill directing the distribution of the acts of Congress; also the bill to amend an act, passed in 1807, entitled an act to regulate the charges of sheriffs, coroners, constables and other officers, in certain cases; also the bill to amend the 19th section of an act, passed in the year 1794, chapter 114, entitled an act directing the mode of recovering debts of twenty pounds and under, were severally read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

On motion of Mr. J. Martin,

Resolved, That the principal clerk of this House be, and he is hereby, authorised to employ an assistant to aid him in his department of the business of this House, during the remainder of the session.

The bill to amend an act, passed in 1821, entitled an act respecting the courts of Pleas and Quarter Sessions of Columbus county; also the bill to authorise William Blackledge, of Lenoir county, to erect a bridge across Neuse River, were read the third time, and the question "shall the said bills pass?" was determined in the affirmative.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, DECEMBER 24, 1822.

On motion of Mr. Mebane,

Resolved, That Mr. Alfred Moore, in consequence of the indisposition of the Speaker, Mr. Jones, be appointed Speaker pro. tem. and that the Senate be informed thereof by message.

Mr. Mebane, from the committee on Internal Improvement, to whom was referred a resolution directing them to inquire into the expediency of appropriating a certain sum of money, out of the fund set apart for internal improvement, for opening the channel leading from Currituck Inlet, through the narrows, to Albermarle Sound, reported that the committee had had the subject under consideration, and directed him to report a resolution, directing the Board of Internal Improvement to cause the necessary examination and survey to be made of the channel aforesaid. The question to concur with the resolution was determined in the affirmative.

On motion of Mr. Cotten, ordered that a message be sent to the Senate, proposing to ballot for a brigadier-general of the 4th brigade, this morning;

and informing that Mr. Lamon and Mr. Pugh attend the Senate as a committee to conduct the balloting, on the part of this House; and informing further, that the name of Thomas Boykin is withdrawn from the nomination.

A message from the Senate, informing that Mr. Wall and Mr. Whitfield attend this House as a committee, on their part, to conduct the balloting for brigadier-general of the 4th brigade.

On motion, ordered that a message be sent to the Senate, proposing to ballot for counsellors of state for the ensuing year.

The resignations of D. Winborne, of Nash county, Jason Carson, of Burke county, and Luke Albritton, of Pitt county, Justices of the Peace, were read and accepted.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for colonel and major of cavalry, attached to the 16th brigade, and informing that Theoderick F. Burnett, as colonel, and John Zimmerman, as major, are nominated for the appointments.

Mr. Lamon, from the committee appointed to superintend the balloting for brigadier-general for the 4th brigade, reported that the committee had performed that duty, and that, on counting the ballots, a majority of the whole number was found to be in favor of Benjamin Person, who was duly elected. The report was concurred in.

A message from the Senate, agreeing to ballot immediately for counsellors of state for the ensuing year, and informing that the name of Edmund Jones is added to the nomination, and that Mr. Peebles and Mr. Lindsey attend this House, as a committee to conduct the balloting on their part.

On motion, ordered that a message be sent to the Senate, informing that Mr. Hastings and Mr. Hellen form a committee on the part of this House, to conduct the balloting for a council of state.

A message from the Senate, proposing to ballot immediately for a brigadier general in the 12th brigade; and informing that colonel Daniel Boon is nominated for the appointment. The message was concurred in, and the Senate informed by message, and that Mr. Adams and Mr. Baker wait on the Senate, as a committee to conduct the balloting on the part of this House; and that the name of James Cox is added to the nomination.

A message from the Senate, by their clerk assistant, informing that they had passed a bill to cede to the United States all that part of the river Chowan between the Sandy Point and the mouth of Bennett's creek; also a bill to limit the term of office of certain officers therein named, and asking the concurrence of this House.

The bill for the better regulation of the militia of this state; also the bill to regulate in part the practice in the County and Superior Courts; also the bill to limit the term of office of certain officers therein named; also the bill to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose, were severally read the first time and passed.

A message from the Senate, informing that Mr. Howell and Mr. Wall attend this House, as a committee to conduct the balloting for brigadier general of the 12th brigade of the militia on their part.

The bill to amend an act, passed in the year 1798, entitled an act to amend an act entitled an act to empower the several County Courts of Pleas and Quarter Sessions of the several counties in this state to order

the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks; also the bill pointing out the mode whereby the militia of this state shall hereafter be called out in cases of insurrection, were read the second time and passed.

Mr. J. Graham presented a bill, to amend an act, passed in the year 1820, entitled an act for the better regulation of the County Courts of Rutherford, Burke and Lincoln, which was read the first and second times and passed.

Mr. Mebanè, from the committee on Internal Improvement, to whom was referred a resolution directing them to inquire into the expediency of appropriating five hundred dollars, from the funds set apart for internal improvement, to facilitate the navigation of Lumber river, reported a bill, in conformity with the resolution, entitled a bill to facilitate the navigation of Lumber river. The report was concurred in, and the bill read the first time and passed.

The bill to cede to the United States all that part of the river Chowan between Sandy Point and the mouth of Bennett's creek, was read and referred to the members representing the counties of Chowan, Gates, Bertie and Hertford.

Mr. Mebanè, from the committee on Internal Improvement, to whom was referred the bill appointing commissioners to lay off and mark a road from Charlotte to the Anson county line, made a report recommending the passage of the bill. The bill was read the first time and passed.

Mr. Adams, from the committee appointed to conduct the balloting for a brigadier general of the 12th brigade, reported that the committee had performed that duty, and that, on counting the ballots, a majority of the whole number was found to be in favor of Daniel Boon, who was duly elected. The report was concurred in.

Mr. Blackledge, from the special committee, to whom was referred the bill to amend an act, passed in the year 1818, entitled an act to amend an act, passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county, returned the bill with several amendments; which being concurred in, the bill was read the second time and passed.

The bill giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state; also the bill making compensation to the jurors in the courts of Mecklenburg county; also the bill to alter the place of holding regimental and battalion musters in the county of New-Hanover; also the bill supplemental to an act, passed in the year 1818, entitled an act to appoint commissioners to extend the Fayetteville road from Morganton to the Tennessee line; also the bill giving Haywood Superior Court concurrent jurisdiction with the County Court over the road from Jesse Belew's old place to the southern boundary line; also the bill to establish Hopewell Academy, in Edgecombe county; also the bill to regulate the Courts of Pleas and Quarter Sessions of Onslow county; also the bill to provide additional commissioners for the town of Nixonton, in Pasquotank county; also the bill to incorporate Durham's Creek Academy, in the county of Beaufort; also the bill authorising the Court of Probate of Cumberland county to fill vacancies which may occur in the offices of special justices in said county, and for other purposes; also the bill supple-

mental to an act, passed in the year 1784, entitled an act to appoint commissioners and to establish the town of Morganton, in Burke county; also the bill to authorise the County Court of Wake to have rebound and copied such books in the register's office as are old and worn out, belonging to said county; also the bill to regulate the patrol of Richmond county; also the bill to appoint commissioners and to incorporate the town of Huntsville, in the county of Surry; also the bill to amend the acts for the incorporation of Elizabeth City, in Pasquotank county, were severally read the second time, and the question "shall the said bills pass?" was determined in the affirmative.

Mr. Hellen, from the committee appointed to conduct the balloting for Counsellors of State, for the ensuing year, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Theophilus Lacy, William Davidson, Thomas Wynns, Gideon Alston, William Blackledge, David Gillespie and Edmund Jones had each a majority of the whole number, and were duly elected. The report was concurred in.

The bill to amend an act, passed in 1821, entitled an act to provide for the execution of process where there shall be no proper sheriff in the county to execute the same; also the bill to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold; also the bill to continue in force an act, passed in 1820, entitled an act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes, were read the second and third times; also the bill to prescribe the time at which the office of sheriff shall expire; also the bill to authorise the County Court of Haywood to appoint an entry taker and surveyor for the lands lately acquired by treaty from the Cherokee Indians, which have not been surveyed by the state. These bills were severally read the third time, and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, by their clerk assistant, informing that the Senate had concurred in the several amendments made in this House to the bill to incorporate the Mecklenburg and Robeson Agricultural Societies.

The House took up the report of the committee on internal improvement on the memorial of the Roanoke Navigation Company; which, being again read, was concurred with.

The resolution appointing a select joint committee to inquire into the expediency of amending the inspection laws relative to tar, &c. was returned from the Senate concurred with.

The resignation of John Jones, justice of the peace for the county of Johnston, was presented, read and accepted.

The resolution in favor of Griffith I. White, sheriff of Bladen, was read the second time and passed.

The bill to authorise the trustees of Portsmouth Academy, in Carteret county, to raise by lottery one thousand dollars, was read the second time; the bill to authorise the reading of depositions in certain cases; also the bill to amend an act, passed in the year 1819, entitled an act to prevent fraudulent trading with slaves, were read the third time. The question "shall these bills pass?" was determined in the negative.

Mr. Mebane, from the committee on Internal Improvement, to whom

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was referred the bill for repairing and improving the road leading from Huntsville, in Surry county, over the Blue Ridge, by Gap Civil, in Ashe county, to the Virginia line, made a report recommending the rejection of the bill. The report was concurred in.

The House then adjourned until 3 o'clock, P. M.

TUESDAY EVENING, 3 O'CLOCK.

The bill to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose; also the bill appointing commissioners to lay off and mark a road from Charlotte to the Anson county line; also the bill to appoint commissioners to contract with Jeremiah Land for twenty acres of land to erect a town upon, and for other purposes; also the bill to repeal in part an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads hereafter, in the counties of Lincoln, Columbus, Burke and Rockingham; also a bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick; also the bill to incorporate the president and directors of the Cape-Fear Steam Boat Company; also the bill to prevent the fire hunting of fowl in Currituck county; also the bill to restore Davis Etheridge, of the county of Camden, to credit; also the bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; also the bill to repeal part of the fourth section of an act, passed in the year 1810, entitled an act to establish the mode of elections in future in the county of Buncombe; also the bill regulating the mode of taking fish with seines on Salmon creek; also the bill to amend the first section of an act, passed in the year 1821, entitled an act to keep open Ivey river, in Buncombe county, as far up said river as Carter's mills; also the bill to prevent hogs from running at large in certain parts of Currituck county; also the bill to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel and George Washington Peel; also the bill to authorise John A. Cameron, of the town of Fayetteville, to erect and keep up a toll bridge across Deep river, in Chatham county. These bills were severally read the second time, and the question "shall they pass?" was determined in the affirmative.

The bill to provide additional commissioners for the town of Nixonton, in Pasquotank county; also the bill to amend an act, passed in the year 1820, entitled an act for the better regulation of the County Courts of Rutherford, Burke and Lincoln; also the bill to establish Melionsville Academy, in the county of Anson, and to incorporate the trustees thereof; also the bill to regulate the Courts of Pleas and Quarter Sessions of Onslow county; also the bill giving Haywood Superior Court concurrent jurisdiction, with the County Court, over the road from Jesse Bellew's old place to the southern boundary line; also the bill to establish Hopewell Academy, in Edgecombe county, and to incorporate the trustees thereof; also the bill to alter the place of holding regimental and battalion musters in the county of New-Hanover; also the bill supplemental to an act, passed in the year 1818, entitled an act to appoint commissioners to extend the

Fayetteville road from Morganton to the Tennessee line; also the bill giving exclusive jurisdiction to the Superior Court of Bladen of pleas and prosecutions of the state; also the bill authorising the Court of Probate of Cumberland county to fill vacancies which may occur in the offices of special justices in said county, and for other purposes; also the bill to incorporate Durham's creek Academy, in the county of Beaufort; also the bill supplemental to an act, passed in the year 1784, entitled an act to appoint commissioners, and to establish the town of Morganton, in Burke county; also the bill to authorise the County Court of Wake to have rebound and copied such books in the Register's office, as are old and worn out belonging to said county; also the bill to amend the acts for the incorporation of Elizabeth City, in Pasquotank county; also the bill to authorise and empower the executors of Dempsey Jenkins to collect the arrears of taxes due him in Edgecombe county; also the bill to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry; also the bill to appoint Trustees for the Kinston Academy, and to regulate the same, was read the second and third times; also the bill giving further time to Frederick J. Cox, of Lenoir county, to build a bridge across Neuse River; also the bill directing the manner of appointing patrollers, in the county of Davidson; also the bill to establish Culpepper Academy, in the county of Anson, and to incorporate the Trustees thereof; also the bill to incorporate the Library Society in the county of Guilford; also the bill to incorporate Franklin Library Society, in the town of Hillsborough; also the bill to divorce John White, of the county of Pasquotank, from his wife Tamar; also the bill authorising the proprietors of Beard's Bridge to keep a Ferry, in certain cases; also the bill to authorise the securities of James Eastwood, late sheriff of Greene county, to collect arrears of taxes for the years therein mentioned; also the bill to incorporate Western Sun Lodge, No. 72, in the county of Wake. These bills were severally read the third time, and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, agreeing to vote for lieutenant colonel and major of cavalry attached to the 10th brigade, and informing that Mr. Carson and Mr. Shober attend this House, as a committee on their part, to conduct the balloting. Ordered that the Senate be informed by message, that Mr. Wilkins and Mr. J. Skinner wait on the Senate, as a committee to conduct the balloting on the part of this House.

The bill to exempt certain citizens of Hyde county from public duty, was read the second and third times and passed.

The resignations of William Graves and Jeremiah Graves, Justices of the Peace for the county of Caswell, were read and accepted.

Mr. Pugh, from the special committee, to whom was referred the bill to repeal an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain a branch to pilot over Ocracock Bar and Swashes, passed in 1819, reported that it is expedient to pass the said bill. The report being concurred in, the bill was read the first time and passed.

The bill to amend an act, passed in the year 1819, entitled an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain a branch to pilot over Ocracock Bar and the Swashes, was read the second time and rejected.

Mr. Burgin presented a bill to alter the mode of electing sheriffs in the county of Burke; which was read the first time, and postponed indefinitely.

A message from the Senate, by their clerk assistant, informing that the Senate had rejected the bill to amend and extend an act, passed in the year 1806, entitled an act for the more convenient administration of Justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Equity have, or may so accumulate that they cannot be tried at the regular terms of those Courts; also the bill to alter the names of Deborah and John Wiggins, in the county of Greene, and to legitimate them; also the bill to repeal part of an act, passed in the year 1784, entitled an act to prevent the exportation of unmerchandise commodities; and also the bill to amend an act, passed in the year 1819, entitled an act to give to the Courts of Pleas and Quarter Sessions power to regulate separate elections, and for other purposes.

Mr. Blackledge moved that the House adjourn until Thursday morning, 9 o'clock. The question thereon was determined in the negative—yeas 5, nays 82. The yeas and nays called for by Mr. Mebane.

Those who voted in the affirmative, are Messrs. Blackledge, Baird, Blair, J. Graham, Hunt, Roberts—yeas 5.

Those who voted in the negative, are Messrs. Adams, Anderson, Bryan, Burgin, Barnard, C. Bell, Baker, Beall, Brodnax, Brower, Boykin, Cooper, L. Cherry, Carter, Conrad, J. Cherry, Carson, Daniel, Dulany, Davenport, Edwards, Fisher, Frink, Fleming, Gary, Gilchrist, Gordon, Graves, Harrell, Hunter, Harbin, Hassell, Hastings, Horton, Hellen, Henry, J. Jones, Jeter, Kilpatrick, Lewis, Lee, Lanon, Melvin, A. B. McMillan, McLean, Melchor, Morgan, Matthews, McDaniel, A. McNeill, McLaurin, Marmon, Mebane, J. I. McMillan, Martin, Pugh, Rea, W. D. Smith, J. Smith, A. Smith, Speight, Stephens, Sidbury, G. Smith, Sneed, H. Skinner, Sheppard, S. Smith, Strange, Thompson, Thornton, Underwood, White, Walton, Wooten, Wilkins, Watson, Webb, Walker, Whitaker, Webster, Yancy—nays 82.

A message from the Senate, informing that they had passed the engrossed bill, directing the time of selling lands and slaves under execution, with an amendment, and asking the concurrence of this House. The amendment was concurred in, and the Senate informed thereof by message.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 25, 1822.

Mr. —, from the committee appointed to conduct the balloting for colonel of cavalry attached to the 10th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Theoderick T. Burchett, as colonel, and John Zimmerman, as major, had each a majority of the whole number, and were duly elected. The question to concur with the report was determined in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for major of cavalry, attached to the 6th division, and informing that Mr. Major Cook is nominated for the appointment.

Mr. Fisher presented a bill to establish a Superior Court of Law and Equity in the county of Davidson, and for other purposes; Mr. Blair presented a bill for the better regulation of the town of Edenton. These bills were read the first time and passed.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier-general for the 6th brigade, in the 3d

division, and informing that Richard C. Cotten is nominated for the appointment.

Mr. Hunter presented a bill to repeal part of the 4th section of an act, passed at the General Assembly, in 1805, entitled an act to revise the militia laws of this state, relative to the artillery companies, of light infantry, grenadiers and riflemen, so far as respects the county of Guilford; Mr. Gilchrist presented a bill to promote military ardor. These bills were read the first time and passed.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for a major-general of the 6th division, and informing that Edward Ward is nominated for the appointment.

The bill to extend and improve the two state roads, leading from Wilkesboro' to the Tennessee line; also the bill to authorise two or more Fire Companies in the town of Washington; also the bill to fix the time of appointing the county trustee of each of the counties of this state; also the bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp. These bills were read the first time and passed.

Mr. Barringer, who voted in the majority yesterday on the rejection of a bill to authorise the trustees of Portsmouth Academy, in Currituck county, to raise, by Lottery, one thousand dollars, moved that the House do reconsider that vote. The question thereon passed in the affirmative. The bill thereon was read the second and third times and passed.

Ordered that the bill to limit the term of office of certain officers therein named, be the order of the day for to-morrow.

Mr. Henry presented a bill to take away the benefit of clergy from aiders, abettors and accessaries before the fact, in certain felonies.

The resolution in favor of James Patton, James Buckhannon and James Stephenson, was read the first time and passed.

The bill creating the 8th division of militia, and for other purposes, was read the first, second and third times; and the question "shall the said bill pass its several readings?" was determined in the affirmative.

Mr. Barringer, who voted yesterday in the majority, on the question of indefinite postponement of the bill to repeal and make void so much of the second clause or section of the act of 1805, chap. 680, of the revised laws of this state, as goes to require the seals as well as the signatures of the Justices of the Peace, before whom the surveyors of the vacant and unappropriated lands of this state, shall be called on or required, by the enterers thereof, from time to time, to make oath out of court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting, moved that the House do reconsider that vote. The question thereon passed in the affirmative. The bill thereupon was read the first time and passed.

The bill for the better regulation of the militia of this state; also the bill to regulate, in part, the practice of the County and Superior Courts, were read the second time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill pointing out the mode whereby the militia of this state shall hereafter be called out, in cases of insurrection; also the bill to prevent hogs from running at large in certain parts of Currituck county; also the bill to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel, and George Washington Peel; also the bill directing how the

compensation of the Port Physician of the town of Newbern shall be paid; also the bill to amend an act, passed in the year 1818, relative to weights and measures; also the bill to authorize John A. Cameron, of the town of Fayetteville, to erect and keep up a toll-bridge across Deep River, in Chatham county; also the bill to amend the first section of an act, passed in the year 1812, entitled an act to keep open Ivey River, in Buncombe county, as far up said river as Carter's Mills; also the bill regulating the mode of taking fish, with the seine, on Salmon Creek; also the bill to amend an act, passed in the year 1798, entitled an act to amend an act entitled an act to empower the several county courts of Pleas and Quarter Sessions, of the several counties in this state, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks, were read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

The resolution in favor of William Watson was read the second time and passed.

The bill to facilitate the navigation of Lumber river was read the second time and passed.

On motion of Mr. Graves,

Resolved, That the clerks of the two Houses make up the estimates of allowance, to include Saturday next, at the same rule of pay as was observed at the last session.

Mr. Fisher, from the committee on Public Buildings, to whom was referred the resolution concerning the seats in the House of Commons, made a report recommending the adoption of a resolution directing the State Architect to cause the seats in the House of Commons to be constructed in the settee form, with the circle of the desks; one seat for each desk. The question to concur with the report was determined in the affirmative.

Mr. Fisher, from the same committee, made a report on the petition of Millington Richardson, stating that the subject of the petition is not of a nature to come before the Legislature; and asking to be discharged from the further consideration thereof. The question to concur with the report passed in the affirmative.

Mr. Fisher, from the committee to whom was referred a resolution directing them to inquire into the expenses incurred in removing the Statue of Washington from Wilmington to this City, reported that the committee had carefully examined the accounts and vouchers of the State Architect connected with this subject; and that, although the expense from Fayetteville to this place amounted to \$158, exclusive of the freight from Wilmington to Fayetteville, yet the committee could not, from circumstances attending the removal, discover that any blame attaches to the Architect. The question to concur with the report was determined in the affirmative.

The House then adjourned until to-morrow morning, 9 o'clock.

THURSDAY, DECEMBER 26, 1822.

Mr. Fisher presented the following resolutions:

Resolved by the General Assembly of the State of North-Carolina, That all contracts, made by the State Architect, for materials or labor to be applied to the repairs and improvement of the State House, or for furniture for the same, shall, before they are completed, be examined by the Treasurer, the Secretary of State and Comptroller, or a majority of them.

Resolved, further, That all accounts for materials, labor or furniture shall be settled and passed upon by the officers aforesaid, or a majority of them, who shall sit as a board for that purpose at least once in every month; and before they are paid, shall be certified by a majority of them to the Governor, who shall thereupon issue his warrant to the Treasurer for the amount of the account so certified, and file in his office the account.

Resolved, That each member of the board aforesaid shall receive, as a compensation for his services, the sum of two dollars per day for each and every day they may be engaged in performing the duties required of them by these resolutions.

The question to concur with the resolutions passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier general of the first brigade, and informing that Willis Wilson and William Gregory are nominated for the appointment.

The resignations of John Burton, jun'r, of Ashe county, and Lemuel Moore, of Pasquotank county, justices of the peace, were presented, read and accepted.

Mr. Mebane presented a bill to amend an act, passed at the last session of the General Assembly, entitled an act in addition to the acts relative to insolvent debtors. The bill was read the first time and passed.

Mr. Clark presented a bill to amend the 6th section of an act, passed in the year 1812, entitled an act to divide this state into districts for electing representatives to Congress. The bill was read the first and second times; and the question "shall the said bill pass the said readings?" was determined in the affirmative.

Mr. Skinner, from the committee of Propositions and Grievances, to whom was referred the memorial of John Roberts, reported that the committee had had the subject under consideration, and directed him to report that the petitioner has no just claims for remuneration. The report was concurred in.

Mr. Skinner, from the committee of Claims, to whom was referred the resolution in favor of Samuel Dickens, late sheriff of Person county, reported a resolution directing the Treasurer to pay Samuel Dickens the sum of twenty-five dollars and forty cents, for one hundred and twenty-seven insolvents. Mr. Skinner, also from the same committee, reported on the resolution in favor of John Barnett, sheriff of Person, recommending its adoption. The resolutions were read the first time and passed.

Mr. Fisher, from the committee of Public Buildings, reported the following resolution:

Resolved by the General Assembly of the State of North-Carolina, That the sum of eleven thousand dollars be, and the same is hereby appropriated for the purpose of completing the repairs on the State House, and that the Public Treasurer be allowed the same in the settlement of his accounts; and the rule requiring all resolutions, the object of which is to draw money out of the Treasury, be dispensed with so far as respects this resolution.

Mr. Hellen, from the committee on Military Land Warrants, to whom was referred the petition of Jonathan Thomas, made a report unfavorable to the prayer of the petition. The report was concurred in.

The bill to repeal an act, passed in 1821, entitled an act to amend and explain the 42d section of an act, passed in 1777, entitled an act for establishing Courts of Law, and for regulating the proceedings therein, received from the Senate, was read the first time and passed.

On motion, ordered that Mr. Maxwell and Mr. Silbury have leave of

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absence from the service of this House, after to-morrow, until the end of the session.

The resolution in favor of William A. Darden; also the resolution in favor of Jesse Adams, received from the Senate, were read the first time and passed.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the petition of Dominique Cazaux, of the town of Wilmington, reported that the committee had had the subject under consideration, and directed him to report that the prayer of the petition is reasonable, and recommend the passage of a bill directing the sheriff of New-Hanover county to surrender a billiard table by him seized for a violation of the law to Dominique Cazaux. The report was concurred in, and the bill recommended, read the first time and passed.

The bill to promote agriculture and family domestic manufactures within this state, received from the Senate, was read the first, second and third times; and the question "shall the said bill pass its several readings?" was determined in the affirmative.

Mr. Mebane, from committee on Internal Improvement, to whom was referred a resolution, to discharge the civil engineer from the service of the state after the expiration of the present year, reported that the committee had had the subject under consideration, and directed him to report that it is not expedient to adopt it. And Whereas it appears, from the report of the Board of Internal Improvement, that the duties which it may be expected will be required of the civil engineer the next year, will not perhaps employ all his time; and in as much as an arrangement might probably be made with one of the adjoining states, by which we could command one half of the time of Mr. Fulton, and said state the other, and a part of the compensation now given this officer be saved to the state, and his valuable services retained; to that end we recommend the adoption of the following resolution:

Resolved, That the Board of Internal Improvement dispose of one half, or any other part of the services of the civil engineer during the ensuing year, to any one of the adjoining states, in such manner as in their opinion may best suit the interest of this state.

The question to concur with the report was determined in the affirmative—yeas 75, nays 44. The yeas and nays called for by Mr. Cox.

Those who voted in the affirmative, are Messrs. Anderson, Alford, S. A. Bryan, Blackledge, Burgin, C. Bell, Beall, Baine, Barrow, T. Bell, Bradburn, Brower, Boykin, Barringer, Blain, Cole, Clark, Conrad, Carson, Buckery, Dulany, Davenport, Eure, Fisher, Frink, Fox, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Hunter, Harbin, Hoke, Hill, Hassell, Herton, Henry, J. Jones, Jiggitts, R. A. Jones, Jeter, Melvin, A. B. McMillan, McLean, Melchor, Morgan, McLaurin, R. Martin, Marmon, Mebane, Macey, J. I. McMillan, L. Martin, Roberts, Bea, W. D. Smith, A. Smith, Sidbery, G. Smith, Sneed, Sheppard, Strange, Thompson, Thornton, Turner, Worth, Ward, Webb, Williamson, Walker, Yancy—yeas 75.

Those who voted in the negative, are Messrs. Adams, Barward, Baker, Bateman, Cotten, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Elliott, Edwards, Fleming, Harrell, Hastings, Hellen, Jarman, Kilpatrick, Lewis, Lee, Love, Lamon, Maxwell, Matthews, McDaniel, A. McNeill, N. McNeill, Ormond, Pugh, J. Smith, Speight, J. Skinner, Stephens, H. Skinner, S. Smith, Tyson, Underwood, White, Walton, Wooten, Wilkins, Watson, Webster—nays 44.

The bill to limit the term of office of certain officers therein mentioned, was read the second time. Mr. Baker moved that the further consideration of the said bill be postponed indefinitely. The question thereon was de-

terminated in the negative—yeas 45, nays 67. The yeas and nays called for by Mr. Baker.

Those who voted in the affirmative, are Messrs. Adams, Anderson, Alford, S. A. Bryan, Baird, Barnard, Baker, Beall, Brodnax, Bateman, Blair, Clark, L. Cherry, Carter, Carson, Dulany, Davenport, Edwards, Eure, Frink, Gary, J. Graham, E. E. Graham, Graves, Harrell, Harbin, Hill, Hassell, Henry, R. A. Jones, Jeter, Lamson, M'Lean, Melchor, Matthews, Macey, J. I. M'Millan, L. Martin, W. D. Smith, Speight, S. Smith, Strange, Underwood, Wilkins, Williamson—yeas 45.

Those who voted in the negative, are Messrs. Blackledge, Burgin, Baine, Barrow, Bell, Brower, Boykin, Barringer, Cole, Cooper, Cox, Conrad, J. Cherry, Dargan, Daniel, Dockery, Elliott, Fox, Fleming, Gilchrist, Gordon, Hunt, Hunter, Hoke, Hastings, Horton, Hellen, J. Jones, Jiggatts, Jarman, Kilpatrick, Lewis, Lee, Melvin, A. B. M'Millan, Morgan, M'Daniel, A. M'Neill, M'Laurin, R. Martin, Marnon, Mcbane, N. M'Neill, Ormond, Pugh, Roberts, Rea, J. Smith, A. Smith, J. Skinner, Stephens, G. Smith, Sneed, H. Skinner, Thompson, Thornton, Turner, White, Walton, Worth, Wooten, Watson, Ward, Webb, Whitaker, Webster, Yancy—nays 67.

The bill thereupon was put on its passage, and the question "shall the said bill pass?" was determined in the affirmative.

The House then adjourned until 3 o'clock, P. M.

THURSDAY EVENING, 3 O'CLOCK.

A message from the Senate, agreeing to ballot immediately for major of cavalry attached to the 2d brigade of the 6th division. On motion, ordered that a message be sent to the Senate, informing that Mr. Cox and Mr. Watson form a committee to conduct the balloting on the part of this House.

A message from the Senate, informing of their agreement with the proposition to ballot for brigadier general for the 6th brigade in the 3d division; and informing that Mr. Legrand and Mr. Davis attend this House, as a committee on their part, to conduct the balloting for major of cavalry attached to the 2d brigade.

On motion, ordered that a message be sent to the Senate, proposing to ballot to-morrow at 12th o'clock for a Board of Internal Improvement; and informing that Thomas Turner, John D. Hawkins, Archibald D. Murphey, John Owen and Durant Hatch are nominated for the appointment.

On motion, ordered that a message be sent to the Senate, proposing to ballot to-morrow morning for brigadier general for the 13th division; and informing that Richard T. Brownrigg and George Blair are in nomination for the appointment.

The bill to authorise the county courts to require administrators and others to give other, or counter security upon the petition of the securities, received from the Senate, was read the first, second and third times; and the question "shall the said bill pass the several readings?" was determined in the affirmative.

A message from the Senate, proposing to ballot immediately for major general of the 6th division. The message was concurred in, and a committee appointed, consisting of Mr. Speight and Mr. Ward, to conduct the balloting on the part of this House.

Mr. Watson, from the committee appointed to conduct the balloting for major of cavalry attached to the 2d brigade, reported that the committee had performed that duty; and that, on examining the ballots, it appeared Major Cook had a majority of the whole number, and was duly elected. The report was concurred in.

The bill concerning Adam Phifer, of Orange county; also the bill further to amend an act entitled an act concerning proving wills, and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1715; also the bill to amend act, passed in the year 1821, entitled an act to promote the administration of justice; also the bill to amend an act, passed in the year 1821, entitled an act in addition to former acts passed for the government of the city of Raleigh, were severally read the first time and passed.

A message from the Senate, informing that Mr. Culpepper and Mr. Peebles attend this House, as superintendants on their part, to conduct the balloting for major-general for the 6th division.

The bill to authorise 2 or more fire companies in the town of Washington; also the bill for the better regulation of the town of Edenton; also the bill to repeal a part of the 4th section of an act, passed the General Assembly in the year 1806, entitled an act to revise the militia laws of this state relative to the artillery companies, of light infantry, grenadiers and riflemen, so far as respects the county of Guilford, were read the second time and passed.

The bill to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose; also the bill to appoint commissioners to contract with Jeremiah Land for twenty acres of land to erect a town upon, and for other purposes; also the bill to repeal, in part, an act of the General Assembly of this state, entitled an act directing the designation of hands, and how they shall be compelled to work under overseers of roads hereafter, in the counties of Lincoln, Columbus, Burke and Rockingham; also the bill to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers; also the bill to prevent the fire hunting of fowl in Currituck; also the bill to restore Davis Etheridge, of the county of Camden, to credit; also the bill to repeal part of the 4th section of an act, passed in the year 1810, entitled an act to establish the mode of elections, in future, in the county of Buncombe; also the bill appointing commissioners to lay off and mark a road from Charlotte to the Anson county line; also the bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick; also the bill to incorporate the president and directors of the Cape-Fear Steam Boat Company; also the bill making compensation to the Jurors in the Courts of Mecklenburg county; also the bill to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson and Tyrrell to appoint a committee of Finance. These bills were severally read the third time and passed.

Mr. Skinner, from the committee of Claims, to whom was referred the resolution requiring them to inquire into the expediency of allowing George Williamson, sheriff of Caswell county, such sum of money paid by him into the public treasury, for insolvent polls for the years mentioned in said resolution, reported that the committee had had the subject under consideration, and directed him to report a resolution to the House allowing him the sum of thirty-eight dollars and seventy-five cents. The said resolution was read the first time and passed.

Mr. Skinner, from the same committee, made a report on the petition of John Smith, of Rutherford county, recommending the passage of a resolution directing the Treasurer to pay him the sum of fifty shillings, the amount of the purchase money of one hundred acres of land. The resolution was read the first time and passed.

On motion of Mr. Cox,

Resolved, That the committee on that part of the Governor's message as relates to the public arms be instructed to inquire if any, and what measures are necessary to be taken for distributing, cleaning, and keeping in proper order the public arms, belonging to the state; and that the committee have leave to report by bill or otherwise.

The resolution in favor of Griffith I. White, sheriff of Bladen, was read the third time and passed.

The House proceeded to consider the resolution laid on the table, directing the Public Printer to attach to the Laws the annual statement of the Comptroller, which being read, was, on motion, postponed indefinitely.

Mr. J. Skinner, from the special committee, to whom was referred the bill to cede to the United States all that part of the river Chowan between Sandy Point and the mouth of Bennett's creek, made a report recommending the rejection of the bill. The report was concurred in.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DECEMBER 27, 1822.

Mr. Speight, from the committee appointed to conduct the balloting for major-general of the 6th division, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Edward Ward had a majority of the whole number, and was duly elected. The report was concurred in.

On motion, ordered that Mr. Sneed, after this day, and Mr. S. Smith, after to-morrow, have leave of absence until the end of the session.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier-general for the third brigade, and informing that col. William L. Hill and Montesque W. Campbell are nominated for the appointment. We also propose to ballot immediately thereafter for lieutenant-colonel and major of cavalry, attached to the 15th brigade, and informing that John M. Greenlee, as colonel, and Edward Peore, as major, are nominated for the appointments; and informing further that the names of James Barnett and Montfort Stokes are added to the nomination for commissioners of the Board of Internal Improvement.

On motion of Mr. L. Martin,

Resolved, That the Treasurer pay to John Lumsden, twenty-four dollars, for carrying wood and water into the state-house, the present session; also three dollars for twelve pounds of candles, furnished by him for the use of the House, making twenty-seven dollars, and that he be allowed the same in the settlement of his public accounts; and that the resolution requiring all resolutions, the object of which is to draw money out of the Treasury, be dispensed with, so far as regards this resolution.

The bill for the better regulation of the town of Edenton; also the bill to restore John Shafely, of the county of Wilkes, to credit; also the bill to authorise two or more Fire Companies in the town of Washington, were read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, consenting to ballot for a Board of Internal

Improvement; also for a brigadier-general for the third brigade; also to ballot for brigadier-general of the 18th brigade; also to ballot for lieutenant-colonel and major of cavalry attached to the 15th brigade, and informing that the name of Charles Moore is added to the nomination. On motion of Mr. —, ordered that the balloting for cavalry officers for the 15th brigade, be postponed until the 15th of January.

On motion, ordered that a message be sent to the Senate, informing that Mr. Bateman and Mr. Blair form a committee, on the part of this House, to conduct the balloting for a board of Internal Improvement, and informing that the names of Archibald D. Murphey and James Barnett are withdrawn from the nomination, and that of Duncan Cameron added.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for major of the Fayetteville Artillery, and informing that capt. Henry W. Ayres is nominated for the appointment.

A message from the Senate, informing that Mr. Graves and Mr. Williams attend this House, as a committee on their part, to conduct the balloting for a board of Internal Improvement.

On motion, ordered that a message be sent to the Senate, informing that Mr. Strange and Mr. E. E. Graham form a committee, on the part of this House, to conduct the balloting for brigadier-general of the 3d brigade; and Mr. Jones and Mr. Love form a committee to conduct the balloting for brigadier-general of the 18th brigade.

A message from the Senate, informing that Mr. Peebles and Mr. Carson attend this House, as a committee to conduct the balloting, on their part, for brigadier-general of the 3d brigade.

The bill to facilitate the navigation of Lumber river; also the bill for the better regulation of the militia of this state, were read the third time; and the question "shall the said bills pass?" was determined in the affirmative.

The bill to incorporate Free Bridge Company, in the county of Buncombe; also the bill to repeal all acts and clauses of acts, offering a premium for wolf scalps, in the county of Buncombe; also the bill to authorise the securities of William Barr, late sheriff of Stokes, to collect arrears of taxes; also the bill to establish a free ferry in the county of Montgomery; also the bill to give the County and Superior Courts concurrent jurisdiction, over the state road from Wilkesboro', by Ashe Court House, to the Tennessee line; also the bill for the better repairing and keeping in good order the streets in the town of Jefferson, in Ashe county; also the bill to repeal an act, passed in 1820, entitled an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes, so far as respects the county of Rutherford; also the bill to amend an act, passed the last session of this General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their Turnpike road from the line of Tennessee to the mouth of Soco Creek, in Haywood County; also the bill to empower the county Court of Pleas and Quarter Sessions of Richmond and Montgomery counties to appoint commissioners to establish the dividing line between said counties; also the bill to appoint commissioners, and authorise the County Court of Buncombe to lay a tax for the purpose of building a Court House in said county; also the resolution authorising and requiring the Public Treasurer

to pay costs to the clerk of Wake Superior Court of Law, were severally read the first time and passed.

A message from the Senate, informing that Mr. Vanhook and Mr. Whitfield attend this House as superintendants, on the part of the Senate, to conduct the balloting for brigadier-general of the 18th brigade.

The bill concerning Adam Phifer, of Orange county, was read the second time and passed.

The bill to limit the term of office of certain officers therein named, was read the third time; and the question "shall the said bill pass?" was determined in the affirmative—yeas 67, nays 42. The yeas and nays called for by Mr. Graves.

Those who voted in the affirmative, are Messrs. Blackledge, Burgin, C. Bell, Baine, Brodnax, Brower, Boykin, Barringer, Cole, Cotton, Clark, Cooper, Cox, Conrad, J. Cherry, Dargan, Daniel, Docker, Elliott, Fisher, Fox, Fleming, Gilchrist, Gordon, Hunt, Hoke, Hastings, Horton, Hellen, J. Jones, Jiggitts, Kilpatrick, Lewis, Lee, Lamb, Melvin, A. B. McMillan, Morgan, M'Daniel, A. McNeill, R. Martin, Marmon, Mebane, N. McNeill, Ormond, Pugh, Roberts, Rea, J. Smith, A. Smith, J. Skinner, Stephens, G. Smith, H. Skinner, Thompson, Thornton, Turner, Tyson, White, Worth, Wooten, Watson, Ward, Webb, Whitaker, Webster, Yancy—yeas 67.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, S. A. Bryan, Baird, Barnard, Baker, Beall, Carter, Carsoh, Dulany, Davenport, Eure, Edwards, Frink, Gary, J. Graham, E. E. Graham, Graves, Harrell, Harbin, Hill, Henry, R. A. Jones, Jeter, McLean, Matthews, Melchor, Macay, J. I. McMillan, L. Martin, Moore, W. D. Smith, Speight, Sidbury, Sheppard, S. Smith, Strange, Underwood, Walton, Wilkins, Williamson—nays 42.

Mr. Speight presented the following resolution:

Resolved, That it is the opinion of this General Assembly, that the very large sums of money advanced by this state, to Hamilton Fulton, esquire, civil engineer, is highly improper, oppressive and unjust, and a gross imposition on the good people of this state.

Resolved, That the said Engineer be allowed a sum not exceeding two thousand dollars per annum.

Mr. Mebane moved that the resolution lie on the table until to-morrow. The question thereon was determined in the affirmative—yeas 59, nays 58. The yeas and nays called for by Mr. Speight.

Those who voted in the affirmative, are Messrs. Anderson, Alford, S. A. Bryan, Blackledge, Baird, Burgin, C. Bell, Beall, Baine, Brodnax, Brower, Barringer, Cole, Conrad, Carson, Dockery, Dulany, Eure, Fisher, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Hunter, Hoke, Rorton, Henry, R. A. Jones, A. B. McMillan, McLean, Melchor, McLaurin, R. Martin, Marmon, Mebane, Macay, N. McNeill, J. I. McMillan, L. Martin, Moore, Roberts, Rea, W. D. Smith, A. Smith, G. Smith, Sneed, Sheppard, Strange, Thompson, Thornton, Turner, Tyson, Worth, Ward, Webb, Williamson, Yancy—yeas 59.

Those who voted in the negative, are Messrs. Adams, Barnard, Baker, Barrow, T. Bell, Boykin, Bateman, Blair, Cotton, Cooper, Clark, L. Cherry, Carter, Cox, J. Cherry, Daniel, Dargan, Davenport, Elliott, Edwards, Fox, Fleming, Gary, Harbin, Bassell, Hastings, Hellen, J. Jones, Jiggitts, Jarman, Jeter, Kilpatrick, Lewis, Lee, Love, Lamb, Lanon, Melvin, Morgan, Matthews, M'Daniel, A. McNeill, Pugh, J. Smith, Speight, J. Skinner, Stephens, H. Skinner, S. Smith, Underwood, White, Walton, Wooten, Wilkins, Watson, Walker, Whitaker, Webster—nays 58.

The House then adjourned until 5 o'clock, P. M.

FRIDAY EVENING, DECEMBER 27.

Mr. Bateman, from the committee appointed to conduct the balloting for Commissioners of Internal Improvement, reported that the committee

had performed that duty, and that it appeared, on examining the ballots, Thomas Turner, Duncan Cameron, John D. Hawkins, John Owen, Durant Hatch and Montfort Stokes, had each a majority of the whole number, and were duly elected.

Mr. Turner, from the committee appointed to conduct the balloting for brigadier-general for the 3d brigade in the 6th division, reported that the committee had performed that duty, and that it appeared, on examining the ballots, William L. Hill had a majority of the whole number, and was duly elected; and

Mr. J. Jones, from the committee appointed to conduct the balloting for brigadier-general for the 18th brigade, reported that the committee had performed that duty, and that on counting the ballots, a majority of the whole number was found to be in favour of Richard Brownrigg, who was duly elected. The question to concur with the said reports passed in the affirmative.

A message from the Senate, proposing to ballot immediately for major general of the 8th division of militia, and informing that general Daniel Bateman is nominated for the appointment; and proposing further to ballot for lieutenant colonel and major of cavalry attached to the 8th brigade, and informing that Joel M'Lane, as lieutenant colonel, and Nathan Wright, as major, are nominated for the appointments. The message was concurred in, and a committee appointed, consisting of Mr. Gary and Mr. Worth, to superintend the balloting for the cavalry officers attached to the 8th brigade.

The bill to empower the County Courts of Pleas and Quarter Sessions of Richmond and Montgomery counties to appoint commissioners to establish the dividing line between said counties; also the bill to establish a free ferry in the county of Montgomery; also the bill directing the sheriff of New-Hanover county to surrender a billiard table, by him seized for a violation of the law, to Dominique Cazeaux; also the bill to repeal all acts and clauses of acts offering a premium for wolf scalps in the county of Buncombe; also the bill to authorise the securities of William Barr, late sheriff of Stokes county, to collect arrears of taxes; also the bill to amend an act, passed in the year 1821, entitled an act in addition to former acts, passed for the government of the city of Raleigh; also the bill to give the County and Superior Courts concurrent jurisdiction over the state road from Wilkesborough, by Ashe court house, to the Tennessee line; also the bill for the better repairing and keeping in good order the streets in the town of Jefferson, in Ashe county; also the bill to amend an act, passed the last session of this General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their turnpike road from the line of Tennessee to the mouth of Soco creek, in Haywood county; also the bill to appoint commissioners and authorise the County Court of Buncombe to lay a tax for building a court house in said county. These bills were severally read the second time and passed.

A message from the Senate, informing that Mr. Barringer and Mr. Culpepper attend this House, as a committee on their part, to conduct the balloting for lieutenant colonel and major of cavalry attached to the 8th brigade. On motion, ordered that a message be sent to the Senate, informing that Mr. Webb and Mr. Wilkins wait on the Senate as a committee to conduct the balloting for major general of the 8th brigade, on the part of this House.

A message from the Senate, proposing to ballot for colonel, lieutenant colonel and major of cavalry attached to the 16th brigade, and informing that Thomas V. Hargis, as colonel, John Wiley, as lieutenant colonel, and Reuben Walton, as major, are in nomination for the appointments. The message was concurred in; and Mr. Pugh and Mr. Hill appointed a committee, on the part of this House, to conduct the balloting.

A message from the Senate, proposing to ballot immediately for major of the Fayetteville artillery. The message was concurred in, and a committee appointed, consisting of Mr. Gary and Mr. Fox, to conduct the balloting.

The bill to fix the time of appointing the county trustee of each of the counties in this state; also the bill to extend and improve the two state roads leading from Wilkesborough to the Tennessee line; also the bill to take away the benefit of clergy from aiders, abettors and accessories, before the fact, in certain felonies; also the bill to promote military ardor; also the bill to repeal an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot over Ocracock Bar and the Swashes, passed in 1819; also the bill to encourage the apprehension of runaway slaves in the Great Dismal Swamp, were severally read the second time and passed.

A message from the Senate, informing that Mr. Vanhook and Mr. Person attend this House as a committee to superintend the balloting for colonel, lieutenant colonel and major of cavalry attached to the 16th brigade.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for brigadier general of the 13th brigade. Colonel J. O. K. Williams is in nomination for the appointment.

Mr. Gary, from the committee appointed to conduct the balloting for lieutenant and colonel and major of cavalry attached to the 8th brigade, reported that the committee had performed that duty, and that it appeared, on counting the ballots, Joel M'Lane, as colonel, and Nathan Wright, as major, had a majority of the whole number, and were duly elected.

Mr. Hill, from the committee appointed to conduct the balloting for colonel, lieutenant colonel and major attached to the 16th brigade, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Thomas V. Hargis, as colonel, John Wiley, as lieutenant colonel, and Reuben Walton, as major, had each a majority of the whole number, and were duly elected.

Mr. Gary, from the committee appointed to conduct the balloting for major of the Fayetteville artillery, reported that the committee had performed that duty, and that it appeared, on examining the ballots, Henry W. Ayres had a majority of the whole number.

Mr. Wilkins, from the committee appointed to conduct the balloting for major general of the 8th division of the militia, reported that the committee had performed that duty, and that, on counting the ballots, it appeared Daniel Bateman had a majority of the whole number, and was duly elected.

The question "shall these reports be concurred with?" passed in the affirmative.

The bill to regulate the patrol of Richmond county; also the bill concerning Adam Phifer, of Orange county; also the bill to amend the 6th section of an act, passed in the year 1812, entitled an act to divide this

state into districts for electing representatives to Congress, were read the third time and passed.

The bill to establish a Superior Court of Law and a Court of Equity in the county of Davidson, and for other purposes; also the bill to alter the mode of holding the election of vestrymen for St. James's Church, in the town of Wilmington; also the resolution in favor of James Patton, James Buckhannon and James Stephenson, were severally read the second and third times; and the question "shall the said bills and resolution pass their several readings?" was determined in the affirmative.

The bill to repeal and make void so much of the 2d clause or section of the act of 1805, chapter 680, of the revised laws of this state, as goes to require the seals as well as the signatures of the justices of the peace before whom the surveyors of the vacant and unappropriated lands of this state shall be called on, or required by the enterers thereof, from time to time, to make oath, out of court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting; also the bill to amend an act, passed at the last session of the General Assembly, entitled an act relative to insolvent debtors; also the resolution authorising and requiring the Public Treasurer to pay costs to the clerk of Wake Superior Court, were read the second time and passed.

Mr. L. Martin, from the special committee to whom was referred the petition of Janet Corn, made a report unfavorable to the prayer of the petition, and asking to be discharged from the further consideration of the petition. The report was concurred in.

The bill further to amend an act, entitled an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1713; also the bill to repeal an act, passed in 1821, entitled an act to amend and explain the 42d section of an act, passed in 1777, entitled an act for establishing Courts of Law, and for regulating the proceedings therein; also the bill to repeal an act, passed in 1820, entitled an act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes, so far as respects the county of Rutherford; also the bill to incorporate the Free Bridge Company, in the county of Buncombe, were read the second time, and, on motion, postponed indefinitely.

On motion, ordered that the bill to repeal an act, passed in 1821, chapter 19, entitled an act directing the time and place of selling lands and slaves under execution, laid on the table, be postponed indefinitely.

Mr. Mebane presented the bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to promote agriculture and family domestic manufactures in this state; which was read the first time and passed. On motion, ordered that the bill be read the second time. Mr. Lamb moved that the further consideration of the said bill be postponed indefinitely. The question thereon passed in the negative—yeas 27, nays 75. The yeas and nays called for by Mr. Lamb.

Those who voted in the affirmative, are Messrs. T. Bell, Cooper, L. Cherry, Carter, J. Cherry, Cox, Daniel, Edwards, Eure, Fox, Fleming, Harrell, Massell, Hastings, Jarman, Lewis, Lee, Lamb, Matthews, Speight, J. Skinner, Stephens, S. Smith, Turner, Walton, Wooten, Watson—yeas 27.

Those who voted in the negative, are Messrs. Adams, Anderson, Alford, Baird, Burgin, Barnard, C. Bell, Baker, Beall, Baine, Brodnax, Boykin, Barringer, Bateman,

Cole, Clark, Conrad, Carson, Dockery, Dulany, Davenport, Fisher, Frink, Gilchrist, Gordon, Graves, Hunt, Hunter, Harbin, Hoke, Hill, Horton, Hellen, Henry, J. Jones, Jiggitts, R. A. Jones, Jeter, Kilpatrick, Love, A. B. McMillan, Mclehor, Morgan, M. Daniel, McLaurin, Marmon, Mebane, Macay, N. McNeill, J. I. McMillan, L. Martin, Moore, Ormond, Pugh, Roberts, Rea, W. D. Smith, J. Smith, A. Smith, G. Smith, H. Skinner, Sheppard, Strange, Thompson, Thornton, Tyson, Underwood, White, Worth, Wilkins, Webb, Walker, Whitaker, Webster, Yancy—nays 75

The bill, thereupon, was put on its passage and determined in the affirmative.

The House then adjourned until to-morrow morning, 9 o'clock.

SATURDAY, DECEMBER 28, 1822.

A message from the Senate, agreeing to ballot immediately for brigadier-general of the 13th brigade. On motion, ordered that a message be sent to the Senate, informing that Mr. Frink and Mr. Jiggitts form a committee, on the part of this House, to conduct the balloting for Brigadier-general of the 13th brigade.

The bill for the better repairing and keeping in good order the streets in the town of Jefferson, in Ashe county; also the bill to amend an act, passed in 1821, entitled an act in addition to former acts, passed for the government of the city of Raleigh; also the bill to authorise the securities of William Barr, late sheriff of Stokes county, to collect arrears of taxes; also a bill to repeal all acts offering a premium for wolf scalps, in the county of Buncombe; also the bill to establish a free ferry in the county of Montgomery; also the bill to empower the county courts of Pleas and Quarter Sessions of Montgomery and Richmond counties to appoint commissioners to establish the dividing line between said counties; also the bill to regulate, in part, the practice in the County and Superior Courts.

Received from the Senate a message, informing that Mr. Beasley and Mr. Carson attend this House, as superintendants of the balloting for brigadier-general of the 13th brigade of the militia, on their part.

Received from the Senate the following resolution:

Resolved, That the joint rule of the two Houses, which requires private bills to be enrolled, be suspended, so far as regards those bills which have been engrossed, after passing one House, and which shall not be amended in the other House.

The question to concur with the resolution passed in the affirmative.

On motion of Mr. Mebane,

Resolved, That the Public Treasurer pay to Pleasant Henderson, clerk of this House, the sum of forty-one dollars and forty cents, for various articles bought for the use of this House, the present session, as per accounts exhibited.

Resolved, That the rule requiring all resolutions, the object of which is to draw money out of the Treasury, to be read three times in each House, be dispensed with as it regards this resolution.

Mr. Graves, who voted in the majority on the question of indefinite postponement of the bill further to amend an act, entitled an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates, passed in 1715, moved that the House do reconsider that vote. The question thereon was determined in the negative.

Mr. Jiggitts, from the committee appointed to conduct the balloting for brigadier-general of the 13th brigade, reported that the committee had performed that duty, and that, on examining the ballots, it appeared James O. K. Williams had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the petition of Benjamin Pratt, of Anson county, made a report unfavorable to the prayer of the petition, and praying to be discharged from the further consideration thereof; and Mr. Worth, from the same committee, to whom was referred the petition of James Reykendale, of Buncombe county, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the reports passed in the affirmative.

On motion, ordered that Mr. Brodnax be added to the committee of Enrollment, and that the Senate be informed thereof by message.

The bill concerning the public arms; also the bill regulating the duties of the clerks of County Courts and others, in certain cases, therein mentioned, were read the first and second times; and the question "shall the said bills pass?" was determined in the affirmative.

The House proceeded to consider the resolution, presented by Mr. Speight, and laid on the table, to reduce the pay of the Civil Engineer; which being again read, Mr. Graves moved that the further consideration be postponed indefinitely. The question thereon was determined in the negative—yeas 46, nays 72. The yeas and nays called for by Mr. Speight.

Those who voted in the affirmative, are Messrs. Anderson, Blackledge, Baird, Bargin, Beall, Brodnax, Cole, Conrad, Carson, Dulany, Fisher, Frink, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hant, Hunter, Hoke, Horton, Henry, A. B. M'Millan, Melvin, M'Lean, Melchor, R. Martin, Mebane, Macay, J. I. M'Millan, L. Martin, Moore, Roberts, Rea, W. D. Smith, A. Smith, G. Smith, Sheppard, Strange, Thompson, Thornton, Turner, Worth, Ward, Webb, Yancy—yeas 46.

Those who voted in the negative, are Messrs. Adams, Alford, S. A. Bryan, Barnard, C. Bell, Baker, Baine, T. Bell, Brower, Boykin, Barringer, Bateman, Blair, Cooper, Clark, L. Cherry, Carter, Cox, J. Cherry, Dargan, Daniel, Dockery, Davenport, Elliott, Edwards, Eure, Fox, Fleming, Gary, Harrell, Hill, Harbin, Hassell, Hastings, Hellen, J. Jones, Jiggitts, R. A. Jones, Jarman, Jeter, Kilpatrick, Lewis, Lee, Love, Lamb, Lamon, Morgan, Matthews, M'Daniel, A. M'Neil, M'Laurin, Marmon, N. M'Neil, Ormond, Pugh, J. Smith, Speight, J. Skinner, Stephens, H. Skinner, S. Smith, Tyson, Underwood, White, Walton, Wooten, Wilkins, Watson, Williamson, Walker, Whitaker, Webster—nays 72.

Mr. R. A. Jones moved to amend the resolution, by striking out the whole except the word "Resolved," and inserting in lieu thereof the following: "That the Board of Internal Improvement be instructed and authorised to effect an arrangement with any of the adjoining states, for a part of the services of the Civil Engineer, according to the time that they may thus part with; and that in case they cannot effect such arrangement, that the said Board be instructed to make a new contract with the said Engineer, reducing his present salary to a sum not exceeding three thousand three hundred dollars; and, in case the said Engineer shall refuse to make such new contract, then the said Board are hereby instructed to give said Fulton notice that his engagements with this state shall cease six months after such refusal." The question to concur with the motion passed in the affirmative; and the resolution, as amended, was read and concurred with.

The resolution authorising and requiring the Public Treasurer to pay costs to the clerk of Wake Superior Court of Law, was read the third time and passed.

Mr. Eure, who voted in the majority on the question of indefinite postponement of the bill to incorporate the Free Bridge Company, in the county of Buncombe, now moved that the House do reconsider that vote. The question thereon was determined in the affirmative. The bill, thereupon, was read the second and third times; and the question "shall the said bill pass its several readings?" was determined in the affirmative.

The bill regulating the duties of the clerks of County Courts, and others, in certain cases therein mentioned, was read the third time; and, on motion, postponed indefinitely.

On motion, ordered that Mr. Fox, Mr. Kilpatrick and Mr. Hunt have leave of absence, after to-day, and Mr. Bateman, after Monday, until the end of the session.

The bill to amend the act, passed in 1818, entitled an act to amend an act, passed in 1815, to incorporate a company, and to make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county, was read the third time and amended; and the question "shall the said bill pass?" was determined in the affirmative.

On motion, ordered that Mr. Lockhart, the clerk assistant to this House, have leave of absence from the service of this House after to-morrow.

The bill to amend an act, passed at the last session of the General Assembly, entitled an act in addition to the acts relative to insolvent debtors, was read the third time, and, on motion, postponed indefinitely.

The bill supplemental to an act, passed at the present session of the General Assembly, entitled an act to promote agriculture and family domestic manufactures in this state, was read the third time; and the question "shall the said bill pass?" was determined in the affirmative—yeas 70, nays 25. The yeas and nays called for by Mr. Adams.

Those who voted in the affirmative, are Messrs. Anderson, Alford, Baird, Burgin, Barnard, C. Bell, Baker, Beall, Baiae, Brednax, Brower, Boykin, Barringer, Blair, Clark, Carson, Dockery, Dulany, Davenport, Galchrist, J. Graham, E. E. Graham, Gordon, Graves, Hunt, Hunter, Harbin, Hoke, Hill, Horton, Hellen, J. Jones, Jiggitts, R. A. Jones, Jeter, Lewis, Lamon, Melvin, A. B. M'Millan, M'Lean, Melchor, Morgan, A. M'Neill, M'Laurin, R. Martin, Marmon, Mebane, Macay, N. M'Neill, J. I. M'Millan, L. Martin, Omond, Pugh, Roberts, Rea, W. D. Smith, Jno. Smith, Abner Smith, J. Skinner, Strange, Thornton, Underwood, White, Worth, Wilkins, Watson, Williamson, Walker, Webster, Yancy—70 yeas.

Those who voted in the negative, are Messrs. Adams, Cooper, L. Cherry, Carter, Cox, J. Cherry, Daniel, Edwards, Eure, Fleming, Harrell, Hassell, Hastings, Kilpatrick, Lee, Lamb, Matthews, M'Daniel, H. Skinner, Sheppard, S. Smith, Turner, Walton, Wooten, Webb, Whitaker—26 nays.

The resolution, received from the Senate, requiring and instructing the Treasurer to call for, and expose the situation of the several Banks, was read. Mr. Barringer moved that the further consideration thereof be postponed indefinitely. The question thereon was determined in the negative—yeas 34, nays 69. The yeas and nays called for by Mr. Blair.

Those who voted in the affirmative, are Messrs. Anderson, Blackledge, Bargin, Baine, Brower, Barringer, Cole, Carson, Dockery, Dulany, Fisher, Fox, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Hoke, Horton, Henry, Love, Lunon, Melvin, Melchor, Marmon, Mebane, N. M'Neil, Moore, Rea, W. D. Smith, Strange, Tyson, Walker, Yancy—34 yeas.

Those who voted in the negative, are Messrs. Adams, Alford, Bryan, Barnard, Baker, C. Bell, Beall, T. Bell, Brodnax, Boykin, Blair, Cotten, Cooper, Clark, L. Cherry, Carter, Cox, J. Cherry, Daniel, Davenport, Edwards, Fleming, Harrell, Hunter, Harbin, Hill, Hastings, Hassell, Jiggitts, Jarman, Jeter, Lewis, Lee, A. B. M'Millan, M'Lean, Morgan, Matthews, M'Daniel, A. M'Neill, M'Laurin, R. Martin, Macay, J. I. M'Millan, L. Martin, Ormond, Pugh, Roberts, J. Smith, A. Smith, Speight, J. Skinner, Stephens, G. Smith, H. Skinner, Sheppard, Thompson, Thornton, Turner, Underwood, White, Walton, Worth, Wooten, Wilkins, Watson, Webb, Williamson, Whitaker, Webster—69 nays.

Mr. Strange, from the select committee to whom was referred the resolution inquiring into the expenses of the State, on account of Internal Improvement, made the following report:

As a variety of considerations are presented to your committee, by the terms of the resolution, they have thought it most convenient to treat the several subjects in the order in which they appear in the resolution itself.

Upon the first point, which is the amount paid the State Engineer and Assistants, as well for salary as contingent expenses, it appears to your committee that Peter Brown, Esq. being then in Europe, was authorised, by a resolution of the Legislature of North-Carolina, passed in the year 1817, to employ some man of distinguished reputation, as a Civil Engineer, upon such terms as he might deem expedient and conformable to the views of the State.

Pursuant to this resolution, Mr. Brown contracted with Hamilton Fulton, Esquire, at a salary of twelve hundred pounds sterling per annum, commencing from the period of Mr. Fulton's embarkation for this country; the State of North-Carolina being bound, in addition to the said salary, to pay the expenses incident to Mr. Fulton's voyage across the Atlantic, and his journey from the place of his debarkation to the seat of the State government, together with such contingent charges as might accrue in his travels through the State, as Civil Engineer. Under this contract there was paid to Mr. Fulton, on account of salary for nine months' services, ending the 12th of February, 1820, three thousand nine hundred and ninety-nine dollars sixty-eight cents, and for contingent charges, including the expense of his passage across the Atlantic ocean, at New-York, and from thence to Raleigh, a further sum of seven hundred and sixteen dollars and three cents; and it appears to your committee that there was also paid in the city of London, three hundred and thirty-one dollars and ninety-four cents, for instruments and stationary furnished the Engineer's department.

It further appears to your committee that the expenses of the assistant Engineer for the same period, while in the employment of the State, was, on account of salary, eight hundred and sixty dollars forty-four cents, and for contingent expenses, one hundred and twelve dollars thirty-nine cents.

The Legislature of the state, at their session of 1819, passed an act creating the Board of Internal Improvement, and vesting in them certain

funds, with directions to employ a Civil Engineer, with such assistant or assistants as they might think necessary, and upon such terms as they might find practicable. Your committee feel satisfied that the Board of Internal Improvement exercised the powers entrusted to them with discretion and integrity, but were compelled, from the extravagant price of almost every article of traffic, and the depreciated value of money, together with what they conceived to be the pressing exigencies of the State, and their profound confidence in the ability of those two gentlemen, to contract with Messrs. Fulton and Brazier for the year ending February 12th, 1821, upon the same terms which the State had done through the agency of Mr. Brown; by which there was paid to Mr. Fulton five thousand three hundred and thirty-three dollars thirty-three cents, for salary, and seven hundred and eighty-four dollars and sixty cents, for contingent charges, or travelling expenses; to Mr. Brazier one thousand three hundred and thirty-three dollars thirty-three cents, for salary, and six hundred and sixty-nine dollars twenty-nine cents, for contingent charges, or travelling expenses.

In the beginning of the year 1821, the Board of Internal Improvement, perceiving the commencement of that depreciation of property and that scarcity of money by which the citizens of the state are at present so severely pressed, found it practicable to reduce the salary of Mr. Fulton to four thousand dollars per annum, and that of Mr. Brazier to twelve hundred; and there has been accordingly paid since the 12th of February, 1821, (including a period of near two years,) to Mr. Fulton, seven thousand dollars for salary, and one thousand and thirty-seven dollars sixty-two cents, for contingent charges, or travelling expenses: to Mr. Brazier, two thousand one hundred dollars, for salary, and eight hundred and ninety-four dollars and three cents, for contingent charges, or travelling expenses. So that there has been paid to Hamilton Fulton, Esq. since his employment by this State, for salary, contingencies, and instruments, nineteen thousand two hundred and three dollars twenty-four cents; and to R. H. B. Brazeir, Esq. five thousand and sixty-seven dollars forty-eight cents.

The expenses of the Board of Internal Improvement, for the individual services of the Commissioners, which was the second point to which the attention of your Committee was called, they find to amount, since the establishment of the Board, to two thousand five hundred and thirty-six dollars and seventy cents.

Upon the third and fourth points, which were the sums paid and those yet remaining due, by the State of North-Carolina, to the several Navigation Companies, incorporated by Act of Assembly, your Committee beg leave to refer you to the annexed statement signed by the Public Treasurer.

The sums expended under the direction of the Board of Internal Improvement, for the improvement and opening of public roads, your Committee find to amount to ten thousand eight hundred and thirty-five dollars.

The lateness of the period at which the subject was committed to them, and the wide extent over which the materials are scattered, which would be essential to presenting the House with any thing like a correct comparative view of the progress of Internal Improvement in this State, before and since the employment of a Civil Engineer, renders it impracticable for your Committee to perform that part of the duty assigned them. They

hope, therefore, that they will be excused from discussing that part of the subject, with the simple remark, that they have no doubt that those operations which have been carried on since the employment of the Civil Engineer, have been much more efficient and less expensive; while they think that they may with confidence assert, that the large sums of money which had been previously squandered in attempts, rendered abortive for the want of experience, either in design or execution, would have been saved, and converted to useful and valuable purposes: and, for the truth of this remark, they can, with confidence, appeal to those acquainted with the affairs of the Roanoke, the Cape-Fear, or Yadkin Navigation Companies.

Your Committee, hoping that it will not be deemed foreign to the purpose of their appointment, would observe, that although the sums expended for the support of the Board of Internal Improvement, with its appendages, appear considerable; yet, when they consider the eminent professional talents of the Civil Engineer, and his assistant, and the flood of light which they, with the assistance of the Board of Internal Improvement, have already shed upon the subjects coming within their proper province, they cannot wish the money restored to the Treasury, and the State of North-Carolina left at the immeasurable distance behind her sister states, which she must necessarily have been, without the aid derived from these sources.

Your Committee beg leave further to remark, that although they do not believe the Board of Internal Improvement could hitherto have been sustained in so much activity, at an expense short of that set forth in the foregoing statement; yet, when they consider the present cheapness of every commodity, the extreme scarcity of money, and the necessity there is for offering a placebo to the public mind, a portion of which is now much irritated against a system, in which your Committee conceive the best interests of the State are bound up, they cannot but think that a reduction of five hundred dollars per annum, from the salary of Mr. Fulton, might, with propriety, be made; which, together with the limited operations of the Board, and the proposed scheme of disposing of a part of the Engineer's time, would render the expenses of the Board of Internal Improvement, for the ensuing year, very inconsiderable, and would tend, as your Committee hope, to afford opportunities to the State to collect her energies for any future operations she may find it advisable to undertake.

Your Committee, therefore, beg to be discharged.

Respectfully submitted.

ROBERT STRANGE, Chairman.

The question to concur with the report passed in the affirmative.

Resolved, That the said report be printed, 12 copies for each member of the General Assembly.

The House then adjourned until Monday morning, 9 o'clock.

MONDAY, DECEMBER 30, 1822.

The bill to amend an act, passed in 1812, entitled an act concerning equitable interests in real and personal estates; also the bill concerning inspectors in the town of Wilmington, and for other purposes; also the bill to prevent destruction of oysters, and for other purposes, in this state, received from the Senate, were severally read the first time and passed.

A message from the Senate, informing of their concurrence to the amendment made by this House in the bill concerning public arms.

The resolution in favor of Joseph Ross; also the resolution in favor of Robert Ray, were read the first time and passed.

The bill to alter the times of holding the Superior Courts in the 5th circuit, was read the first time and indefinitely postponed.

The resolution in favor of Wm. A. Darden, was read the first, second and third times and passed.

Mr. Hellen, from the committee on Military Land Warrants, to whom was referred the petition of John Harrison, praying for a military land warrant, made a report favorable to the prayer of the petition, recommending the passage of a resolution directing the Secretary of State to issue to John Harrison a military land warrant for six hundred and forty acres of land. The resolution and report were concurred in.

Mr. Hellen, from the same committee, reported on the petitions of Micajah Brown, Wm. Sanderlin, Jacob Bell's heirs, Israel Meals, John B. Troy and John G. Blount, reported that the committee had not time to investigate the principles of the several claims, with the various documents, and begged to be discharged from the further consideration of the subject, and recommending the adoption of a resolution constituting a board consisting of the Governor, the Treasurer and Comptroller, to pass on the said claims. The report and resolution were concurred in.

A message from the Senate, proposing to ballot immediately for brigadier general of the first brigade; also, immediately thereafter, to ballot for major of cavalry attached to the third brigade; and informing that Jacob Golding is nominated for the appointment. The message was concurred in, and a committee appointed, consisting of Mr. ——— and Mr. ———, to conduct the balloting for brigadier general.

On motion, ordered that John I. McMillan and Henry Skinner have leave of absence, after this day, until the end of the session.

The bill to amend an act, passed the last session of this General Assembly, entitled an act to authorise the Smoky Mountain Turnpike Company to extend their turnpike road from the line of Tennessee to the mouth of Soco creek, in Haywood county; also the bill to give the Superior and County Courts concurrent jurisdiction over the state road from Wilkesborough, by Ashe court house, to the Tennessee line; also the bill directing the sheriff of New-Hanover county to surrender a billiard table, by him seized for a violation of the law, to Dominique Cazeaux; also the bill to repeal and make void so much of the 2d clause or section of the act of 1805, chapter 680, of the revised laws of this state, as goes to require the seals as well as the signatures of the justices of the peace before whom the surveyors of the vacant and unappropriated lands of this state shall be called on, or required by the enterers thereof, from time to time, to make oath, out of court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting; also the bill to appoint commissioners and authorise the County Court of Buncombe to lay a tax for building a court house in said county; also the bill to extend and improve the two state roads leading from Wilkesborough to the Tennessee line; also the bill to establish the time of appointing the county trustee of each of the counties in this state; also the bill concerning the public arms; also the bill to take away the benefit of clergy from aiders, abettors and accessories, before the fact, in certain felonies. These bills were read, severally, the third time and passed.

A message from the Senate, informing that Mr. Carson and Mr. JACOBS are appointed to conduct the balloting, on the part of the Senate, for brigadier general for the first brigade.

Mr. R. A. Jones, from the committee appointed to conduct the balloting for brigadier general of the first brigade, reported that the committee had performed that duty; and that, on counting the ballots, the majority of the whole number was found to be in favor of William Gregory, who was duly elected. The report was concurred in.

Ordered that a message be sent to the Senate, informing that Mr. Blair and Mr. McMillan form a committee, on the part of this House, to conduct the balloting for a major of cavalry attached to the third brigade.

The bill to repeal an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain a branch to pilot over Ocracock Bar and the Swashes, passed in 1819; also the bill to amend an act, passed in 1821, entitled an act to promote the administration of justice; also the bill to repeal a part of the 4th section of an act, passed in the year 1806, entitled an act to revise the militia laws of this state, relative to the artillery companies, of light infantry, grenadiers and riflemen, were severally read the third time; the latter amended; and the question "shall the said bills pass?" was determined in the affirmative.

A message from the Senate, informing that Mr. Carson and Mr. Peebles attend this House, to conduct the balloting for a major of cavalry, in the third brigade, on their part.

Mr. Blair, from the committee appointed to conduct the balloting for major of cavalry, attached to the third brigade, reported that the committee had performed that duty, and that, on counting the ballots, it appeared Jacob Golding had a majority of the whole number, and was duly elected. The report was concurred in.

The bill to prevent the destruction of oysters, and for other purposes, in this state; also the bill to amend an act, passed in the year 1812, entitled an act concerning equitable interests in real and personal estates, were read the second and third times, and the question "shall they pass?" was determined in the affirmative.

The resolution in favor of John Barnett was read the second and third times; also the resolution in favor of Samuel Dickens, late sheriff of Person county; also the resolution in favor of George Williamson, sheriff of Caswell county, were read the second and third times; also the resolution in favor of Jesse Adams, was read the second and third times; also the resolution in favor of John Smith, was read the second and third times; also the resolution in favor of Joseph Ross, was read the second and third times. The question "shall the said resolutions pass?" was determined in the affirmative.

The resolutions in favor of the Door-keepers of both Houses; also the resolution requiring the adjutant-general, assisted by Henry Seawell, esq. to revise and amend the several acts now in force relative to the militia; also the resolution instructing the board of Internal Improvement to inquire into the state and condition of the Meherrin navigation; also the resolution authorising the judges of the Supreme Court to revise the acts of the General Assembly, relative to administrators and executors; also the resolution instructing the president of the Board of Internal Improvement to forward to each of our senators and representatives in Congress,

a copy of an act for the navigation of Cape-Fear river, below Wilmington, received from the Senate, were severally read, concurred with and returned.

Mr. Worth, from the committee of Propositions and Grievances, to whom was referred the memorial of the citizens of the city of Raleigh, made a report unfavorable to the prayer of the memorial.

Mr. Worth, from the same committee, to whom was referred the petition of Henry Allemong; also the petition of Mary Neill; and also the petition of the inhabitants of New-Hanover county, made reports unfavorable to the prayers of the petitions, recommending their rejection. The question to concur with the reports was determined in the affirmative.

The report of the committee of Finance, received from the Senate, stating that they had burned and destroyed the sum of 6,310 dollars 51 cents, of the Treasury Notes, unfit for circulation; also the report of the same committee, to whom was referred the examination of the Comptroller's vouchers, stating that they had examined the same, and found them correct, and saw them cancelled.

The bill concerning inspectors in the town of Wilmington, and for other purposes, was read the third time and amended, with the assent of the Senate, passed, and ordered to be enrolled.

The resolution in favor of Robert Ray, was read the first time and passed.

The bill concerning entries of land, in certain counties, within this state, received from the Senate, was read the first and second times; and the question "shall the bill pass its first and second readings?" was determined in the affirmative.

On motion, ordered that the said bill be read the third time, and the question thereon passed in the affirmative—yeas 64, nays 23. The yeas and nays called for by Mr. Boykin.

Those who voted in the affirmative, are Messrs. Anderson, Alford, Blackledge, Baird, Burgin, Baker, Baine, Brodnax, Brower, Barringer, Blair, Clark, Conrad, Carson, Davenport, Eure, Gary, Gilchrist, J. Graham, E. E. Graham, Gordon, Graves, Harrell, Hunter, Harbin, Hoke, Hastings, Horton, Henry, Jiggitts, R. A. Jones, Jeter, Lee, A. B. McMillan, McLean, Melchor, Morgan, Matthews, A. McNeill, McLaurin, R. Martin, Marmon, Mebane, Macay, N. McNeill, L. Martin, Roberts, Rea, W. D. Smith, J. Smith, A. Smith, G. Smith, Sheppard, Thompson, Thornton, Turner, Tyson, Walton, Worth, Wilkins, Webb, Williamson, Whitaker, Yaney—yeas 64.

Those who voted in the negative, are Messrs. Adams, C. Bell, Boykin, Cooper, Carter, Cox, J. Cherry, Daniel, Edwards, Frink, Fleming, J. Jones, Lamb, Melvin, McDaniel, Ormond, Speight, Stephens, S. Smith, White, Wooten, Watson, Webster—nays 23.

The bill to amend an act entitled an act for ascertaining the method of proving book debts; also the bill further to regulate the pilotage over the bars of Cape-Fear river; also the bill concerning notary publics, clerks of the County Courts, and county solicitors; also the bill to shorten the term of service of clerks of the Courts of Pleas and Quarter Sessions, clerks of the Superior Courts of Law, and clerks and masters in Equity; also the bill to alter the times of holding the Superior Courts of Law and Equity, in the first Judicial Circuit, in this state, were severally read and postponed indefinitely.

The House then adjourned until 4 o'clock, P. M.

MONDAY EVENING, DECEMBER 30.

The resolution in favor of Thomas B. Wheeler and Robert Ray, was read the first, second and third times and passed.

The bill to promote military ardor was read and postponed indefinitely.

The resolution appointing an additional engrossing clerk, received from the Senate, was read and concurred with.

The bill to advance the administration of justice in the Supreme Court, received from the Senate, was read the first, second and third times, and the question "shall the bill pass its several readings?" was determined in the affirmative.

On motion of Mr. Mebane,

Resolved, That the Public Treasurer be directed, and he is hereby authorised to pay to Thomas Henderson, the sum of one hundred and eighteen dollars and fifty cents, it being the amount of his account for extra printing, during the present session, and that he be allowed the same in the settlement of his accounts; and that the rule requiring all resolutions, the object of which is to draw money out of the Treasury, be dispensed with, so far as regards this resolution.

The resolution in favor of Robert Ray, was read the second and third times and passed.

The bill concerning executions issued by Justices of the Peace, received from the Senate, was read the first and second times and passed.

On motion, the said bill was read the third time, and, on motion, ordered to be postponed indefinitely.

The resolution in favour of John Ferguson, of Stokes county, received from the Senate, was read and concurred with.

The resolution received from the Senate, requiring the State Architect to furnish the Senate Chamber with plain neat settees, with cushions, for the members, and one dozen chairs for the accommodation of persons about the fire, was read and concurred with.

On motion of Mr. Barringer,

Resolved, That the State Architect be directed and required to procure Chandeliers for the use of the Senate Chamber and Commons Hall.

The House then adjourned until to-morrow morning, 6 o'clock.

TUESDAY, DECEMBER 31, 1822.

Mr. Blackledge presented the following protest against the bill for the division of Rowan county:

DISSENTIENT—For that we believe this law to be onerous to the people, and dangerous in policy both as it regards its present and prospective operation.

Whilst we admit that the grievances set forth by the petitioners, and upon which the said bill is founded, do exist in a qualified degree, and sincerely profess an alacrity to redress them, we believe that they are grievances sustained equally by other citizens of various counties in the state. As to superfluity of population we know from the last census that there are other counties whose claims for redress are almost equally as strong; and as to extension of territory, a very slight acquaintance with the topographical boundaries and extent of our counties, will demonstrate that there are other counties, in other sections of our country, whose situation calls more loudly for amendment and redress; and we do believe that the proper mode to redress their grievances, is by a simple modification of the administration of the law, and an increase of the courts of justice within the county; a remedy which, whilst it brought justice to every man's fireside, neither

burthened the people with additional taxation, nor increased the members of a body already too cumbrous for the prompt transaction of business.

We protest against the law as onerous to the people, because it imposes an additional burthen upon them; a burthen which no adequate necessity required; which every consideration of sound policy repelled; and which, when imposed, no act of legislation, nor any thing short of a revolution in the constitution, could remove.

We protest against it because it unnecessarily increases the members of the legislative body, a body whose numbers all agree in saying renders it too cumbrous and unwieldy for the prompt and cautious transaction of public business. But chiefly and mainly we protest against this law, because we believe it a direct and insidious attack on our present glorious constitution; a constitution hallowed by the memory of the patriots and heroes who formed it, and confirmed by the practical experience of an half century of years. We are confirmed in this belief because we know from experience that the advocates of this law have always, with a sullen pertinacity, refused a redress of grievances when connected with the reformation of similar ones elsewhere; because they have ever refused to divide the county of Rowan when an eastern county was to be divided by the same law. We do believe the law is calculated and intended to produce an accumulation of political power in the western section of the state, where our fellow-citizens, we regret to say, are driven on by an unholy zeal to destroy that constitution under whose benign auspices we have reposed in liberty and happiness ever since we have existed as a nation.

We do not believe that the passage of this law will produce any assuasion of the supposed irritation among our western fellow-citizens; for oftentimes, hitherto, the same complaints of grievances have been preferred and pressed—refused and granted; and still they have recurred again.

We now record our reasons for dissenting in order to justify ourselves to our successors in legislation, and to instruct them, when hereafter similar applications are made, not to be seduced into a surrender of political power from an appeal to their magnanimity; when that surrender endangers that constitution, and weakens the barriers by which it is defended.

TRO. BLACKLEDGE,
WYRIOTT ORMOND,
WILSON B. WEBSTER,
JOHN CHERRY,
JAMES MATTHEWS.

(Signed)

On motion, ordered that a message be sent to the Senate, informing that this House had acted on all the business before it, and of its readiness to adjourn sine die.

A message from the Senate, by their clerk assistant, informing of their readiness to adjourn sine die.

On motion of Mr. Mahone;

Resolved, *unanimously*, That the thanks of this House be given to our honorable Speaker for the able and impartial discharge of the duties of the chair during the present session.

Whereupon, the Speaker made his acknowledgements to the House, and adjourned it sine die.

JOHN D. JONES,
Speaker House Com's.

By Order: P. HENDERSON,
Clerk House Com's.

